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Editor's Notes

IN OUR issue of October 1961, we noticed the formation of the Department of Technical Co-operation and the formation of the Administrative Services Branch within it.[1] We also promised more information about the Branch, about advisory panels concerned with local administration and about the future of Cambridge Administration Conferences.

Last August the Overseas Studies Committee of the University of Cambridge sponsored an administrative conference at King's College, when the subject discussed was local government in Africa. It was attended by delegates from a wide range of countries both independent and dependent and was generally pronounced to be highly successful. The report is being published by the Cambridge University Press.[2] It appears to be the general wish that Cambridge should continue to afford opportunity for those concerned with administration in Africa to exchange experience and ideas, so the Overseas Studies Committee of the University has decided to sponsor another conference at Cambridge in August of this year and is issuing invitations. The subject chosen is 'Training for Development', which is of particular topical interest and importance. Everybody wants sound development and Africa is humming with new development plans. New and urgent training schemes and experiments are everywhere in vogue and there could be no better time to provide an opportunity for those immediately concerned to get together for a fortnight at King's to compare notes, plans and experiences and, not least, to make or renew contacts with others engaged in the same trade. The chairman will be Dr. R. E. Robinson, Fellow of St. John's College, Cambridge.

A new Local Government Advisory Panel has been established by the Secretary for Technical Co-operation in place of the old Colonial Local Government Advisory Panel. A notice of its constitution and functions appears on page 132 of this issue.

People sometimes ask what the Administrative Services Branch does, apart from its more obvious functions of editing this Journal and organizing conferences in Africa and elsewhere on its subjects. The origins of the Branch, then the African Studies Branch, lay in a demand from African territories to be kept informed of administrative developments elsewhere which might be helpful to them. This need became particularly pressing as the pace of development increased in the years following the war. To meet this need the Branch studies

[1] *J.A.A.*, Vol. XIII, No. 4, p. 235.

[2] Copies may be obtained from Mr. H. H. McCleery, Supervisor of Overseas Service Courses, 18 Petty Cury, Cambridge, at 5s. 6d. a copy, which includes postage.

and endeavours to keep abreast of local developments in local government, land tenure and local administration generally and to make this information widely available through the medium of the Journal, conferences, personal contacts and visits.

Lord Hailey has always attached great importance to making such comparative information available to busy administrators who do not have ready access to sources of information or the time for research, and in his message launching this Journal with its wider coverage has affirmed that the administrative experiences and experiments of India might well be relevant to the West Indies and those of Canada to Nigeria.

This is a new challenge which the Administrative Services Branch will try to meet. Already it has accumulated much comparative information on its subjects and its function is to keep this up to date, to extend it and to make it available to those who need it. We hope that those of our readers who know of interesting developments in local administration of all kinds, including land tenure, will get in touch with us. The Editor of this Journal will always be delighted to consider articles on the subjects with which it deals, particularly from those with first hand practical experience.

Decentralization in the Sudan—I

As a result of the Sudan Provincial Administration Act, 1960, new institutions of local administration were inaugurated in the middle of 1961. The following extracts from public speeches made on this occasion by the President of the Republic, H.E. Ferik Ibrahim Abboud, and the Minister for the Interior and Local Government, H.E. Miralal el Magboul el Amin el Hag, outline the policy of decentralization.

H.E. President Ferik Ibrahim Abboud

"Today the first constitutional institutions at the provincial level came into being in the Sudan. This decision was reached as a result of our deep belief that the absence of sound democratic institutions at provincial levels was the chief reason for the failure of the parliamentary system in the Sudan. Whereas democratic institutions represented by local government councils existed basically, the centralization of powers in the districts greatly harassed the councils' activities, and even evolved confusion to the extent that citizens hardly knew where to go for execution of works having connexion with official circles in the middle sector, between the local councils and the central Government. Public representation was lacking due to absence of democratic institutions where the public could share in the administration through its representatives. Administrative affairs were entrusted to officials who used to function directly or through instructions received from their ministries in Khartoum. There was no apparatus in the province to co-ordinate the functioning of those officials who worked in disintegrated units. That is why territorial schemes always appeared dislocated and lacking in co-ordination.

"We started building from the base. We cared for the local councils and strengthened their systems to meet their functions satisfactorily. Today a new great step forward will be taken when the Province Councils start their work. Democracy is a philosophy of government which has been accepted by different nations of the world and has been practised by different countries according to their environment and requirements. It is of no use to import a democratic system from another country without pruning it to our circumstances and to the nature of our country. The revolution came to save the country from the old régimes when every citizen felt that the imported parliamentary partisan system was about to drive the country into a deep chasm of instability and deterioration. Since the first day of the revolution we have announced that the Sudan is a democratic republic with full sovereignty to the people. Since then we have taken wide successful steps towards the implementation of this aim. We gave the base of the democratic rule, namely the local government councils, every care and direction. In my address on the third anniversary of independence I pointed out that our aim was to strengthen the local government systems and that would be followed by the rearrangement of the government systems in the provinces. The present system is surely Sudanese. It emanated as a result of careful studies undertaken by Sudanese officials who are inspired by the nature of their country and by the circumstances.

"In accordance with the success of the councils in the performance of their duties I will take the second constitutional step as stipulated by the policy which we outlined after our taking over the Government of the country.

The broad line of the constitutional development which I will introduce involves the erection of a central Council to be established with the present institutions in a pyramid, with the local councils as a base, after introducing in the local councils elections by a reasonable percentage system."

H.E. Miralai El Magboul El Amin El Hag

"The aims of the new system are threefold – first, decentralization, secondly, participation of citizens in the responsibility of government, and thirdly, co-ordination in the working of the different departments at provincial level. The centralization which vests all responsibilities in the headquarters of ministries in the capital is no longer a suitable pattern of government for this age, particularly in a wide and extensive country like the Sudan. The new scheme has, therefore, catered for the devolution of a wide and varied range of powers from the centre, to be exercised at provincial level.

"The Provincial Administration is composed of three organs. First, the Government Representative who has been appointed by the Supreme Council for the Armed Forces, who by virtue of office, is chairman of the Province Council. Secondly, the Province Council has been empowered to take decisions in exercise of the powers vested in it to pass legislation and annual estimates, and to plan regional policy within the framework of the general policy of the State. Thirdly, the Province Authority which is composed of the heads of departments in the province, and charged mainly with the execution of Province Council decisions.

"The Province Council is composed of members partly elected by the local councils from amongst their members, and partly appointed by the Supreme Council for the Armed Forces, and includes members of the Province Authority by virtue of office. Thus it becomes possible to enlist and unite efforts of the people with those of the Government. Members elected by the local councils represent and speak on behalf of the people of the locality. Members appointed by the Supreme Council for the Armed Forces augment this representation and are appointed on the basis of prominence and technical, professional and general experience. As to members of the Province Authority, it is their duty to make available to the council all the necessary information, data and facts based on their knowledge of laws and regulations, and to give their very best to the welfare and progress of the province where they are employed.

"Province Councils have been vested with many powers, as set out in the Schedule to the Provincial Administration Act, in the following fields of activity:

(*a*) *Education* – the power to provide and maintain elementary and intermediate schools, libraries, scholarships, the promotion of adult education and any other matters which are likely to promote the cause of education.

(*b*) *General culture* – the power to establish and maintain information centres, organize general cultural activity, exhibitions and art galleries, provide bands and other forms of public entertainment, the furtherance of civic education, celebration of religious and national occasions, promotion of physical culture and preservation of historical and indigenous characteristics of the province, and any other measure likely to promote cultural progress and advancement.

(*c*) *Social welfare* – the power to establish and maintain welfare homes, asylums, orphanages and other institutions for the relief of distressed people, and the promotion of social, civic and patriotic virtues among the people and the discouragement of parochial, racial, tribal, sectarian and provincial differences, and the adoption of measures for the promotion of welfare of women, backward classes and children, and any other measures likely to promote social welfare.

(*d*) *Agriculture* – the power of adoption of measures for reclamation and improvement of land for agricultural purposes, the making of land use surveys and definition of land use policies in the best social and economic interests of the areas concerned and the country in general, the adoption of such flood protection measures and the provision of such irrigation, drainage or water storage facilities as may be necessary for development of agricultural land.

(*e*) *Public health* – the provision and maintenance of dispensaries, promotion of health education, framing and implementation of anti-mosquito schemes, provision and maintenance of mobile medical aid units and health centres.

(*f*) *Animal resources* – the power to take measures to alleviate diseases of animals and birds, preservation of animal wealth and control of grazing, establishing and maintaining cattle farms, dairies and poultry farms.

(*h*) *Public works* – the power to improve means of communication, public roads, water supply and other works of public utility.

"In addition to these powers, Province Councils are enabled to advise the central Government and its ministries on legislation, and to recommend to the appropriate ministries development schemes of importance to the province. They are also generally responsible for the promotion of local government in the province and for passing the annual budgets of local councils.

"Province Councils cannot exercise these powers without being granted financial independence and some permanent sources of revenue which may either be by grant from the Government, or by the assignment of the produce of taxes or from the produce of any other tax which is declared to belong to the Province Councils, or from any other rate, charge, due or fee which is lawfully payable to Province Councils.

"I shall now move to an important aspect of the Provincial Administration which defines the relations between the province and local councils. Local government councils have their powers derived from the Local Government Ordinance, 1951. Some of these powers have also been included in the Schedule to the Provincial Administration Act. The object of this is that a local council may not be capable of performing a service either through lack of funds, or qualified staff. In such cases it will be possible for the Province Council to step in and perform such a service in that council area.

"Though Province Councils are generally responsible for the promotion of local government in the province and for ensuring that services performed by local government authorities are in the best interest of the inhabitants and of the highest possible standards and in keeping with national policy determined by the Government, Province Councils should not encroach upon the responsibilities and competence of local councils. The law has granted to the local councils their own autonomy and financial independence

and they have a wide and varied experience in the techniques of local administration. Therefore, we should not interpret the relation between the Province and local councils as one of subordination; it can best be described as the relation between an older and a younger brother, for the older brother will support and assist his younger brother in time of need and urgency.

"Another point worthy of note is the relation between the central Government and Province Councils. The Supreme Council for the Armed Forces appoints Government Representatives in provinces, certain members of Province Councils, divides the country into provinces, defines their boundaries, their names, crests and headquarters. The Council of Ministers establishes by warrant Province Councils and Province Authorities, and amends and cancels such warrants, approves their budgets, agrees to regulations issued by ministers, issues general directives to be observed by Province Councils in the exercise of their powers, and defines ministerial responsibility pertaining to Province Councils for the purposes of supervision and inspection.

"Each minister, within the framework of the distribution of functions approved by the Council of Ministers, has the power to confirm, suspend or cancel by-laws issued by Province Councils relating to his ministry, scrutinize that part of the Province Council budget pertaining to his ministerial responsibility, make regulations providing for the proper exercise by Province Councils of their powers pertaining to his ministry's responsibilities, exercise powers of supervision and inspection, and suspend a decision by a Province Council and make a full report to the Council of Ministers."

Decentralization in the Sudan—II

A CRITICAL APPRAISAL

by HENRY MADDICK[1]

PROVINCIAL administration and government in the Sudan has been radically affected by the Provincial Administration Act, 1960. This Act and the report[2] of the Commission on co-ordination between the Central and Local Government[3] were the subject of a careful summary in this Journal in July 1961[4]. Accordingly, it is not proposed to review these documents here, but merely to remind the reader that the principal aims of the Act were "to de-congest the centre, to take up the slack in local government and to allow for a measure of regional autonomy without undermining the unity of the nation"[5]. To these should be added a further aim, that of co-ordinating provincial administration and enabling "the citizens to take part in the government of the country and to play an effective role in the development of their own affairs"[6]. To achieve these the Act establishes a Province Council, under the chairmanship of the Government Representative, and a Province Authority, these bodies to be respectively responsible for the legislative and administrative functions of provincial government. Since the previous article was written, all councils have, in fact, been inaugurated.

Here it is proposed to examine the major aspects of these bold innovations – the effect of these proposals on administrative efficiency, and on the extension of popular participation and control, and to attempt an appraisal of the likelihood of their success in the light of the country's past experience and of other systems of government and administration. In drawing comparisons of this nature, one has to bear in mind the vast size of the Sudan – of the eight provinces (excluding Khartoum), one is bigger than France, three bigger than Italy, and another three bigger than Britain, and the smallest (excepting Khartoum) is as big as England and Wales. Moreover, illiteracy is widespread, particularly in the South, and communications are often extremely difficult. Add to this the shortage of skilled manpower, so common to many developing countries, and the firm national determination to develop economically and socially, and the picture emerges as to the very difficult situation which the Commission faced in preparing its report and drafting the Act. This situation sets the ecological frame for the discussion that follows.

Two aspects stand out in the description given by Mr. Wallis[7]; the first is that the proposals provide for very considerable control both by the centre over the provinces, and by the Government Representative over province activity. The second is the very interesting innovation of separating the two arms of provincial government – namely the executive and the policy-making legislative arm. Though not unknown in some other countries, particularly

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[1] Mr. Maddick, M.A. (Oxon), is a lecturer in the faculty of Commerce and Social Science at the University of Birmingham.
[2] Henceforward referred to as 'the Act' and 'the report' respectively.
[3] Government Printing Press, Khartoum (2nd edition), 1960.
[4] C. A. G. Wallis, *Local Administration in the Sudan*, *J.A.A.*, Vol. XIII, No. 3.
[5] Wallis, op. cit., p. 164.
[6] Speech by President Ferik Ibrahim Abboud (17/11/59) quoted in the report, p. 7.
[7] Wallis, op. cit., p. 158.

in Latin American provincial administration, this is new to Africa. It will be argued later that the experience of Turkey may well have significance for the Sudanese situation, particularly when discussing these new arrangements in their effect upon democratic activity. The key to this is the composition and powers of the council.

The Province Council

The Act provides for a council of between forty and fifty members, consisting of representatives elected by each local authority council[8] and the heads of departmental field agencies in the province, together with members selected (by a carefully devised procedure) who are widely experienced or prominent in the area. The exact numbers of the different categories are specified in the warrants issued to inaugurate each council. As already mentioned, this body, meeting quarterly, will be presided over by the Government Representative for the province. For the time being, at least, the Military Governor is to hold this post. Its principal functions are to supervise local authorities, pass their budgets and its own, censure the Province Authority should the occasion demand it, advise the central Government about development plans, and be consulted by it. It also *may* be given, by warrant, powers to operate a number of services in the fields of education, agriculture, health, welfare and public works.

The first question is clearly – what is going to be the effectiveness of these bodies? Are they likely to influence the administration? The powers just recited are quite considerable, and in theory should give the Province Council control over its affairs. The key to this lies in the passing of the budget, and therefore the implied power not to do so. In France, this has proved an effective means whereby the *conseil général* of the *département* could influence the decisions of the *préfet* and his administration. Yet similar powers vested in the *vilayet* (province) councils of Turkey have proved of little avail. Basically, there is real power in the hands of the *vali* (governor), who in all the rural provinces is so far elevated above the ordinary member in status that the peasant councillor seldom has the temerity to query, let alone vote against his proposals and his budget. It would seem likely that a similar atmosphere would be widespread in the Sudan where the Government Representative is not only immensely superior in social status, but is also supported by the heads of field agencies, educated, experienced people who sit as councillors. (It will be recalled that the council chairman is also the head of all government officials in his province). Moreover, the desire for nomination and selection[9] yet again to a seat on the council could be a powerful inducement to be a 'reasonable', not an 'awkward' councillor. As things stand, it is safe to estimate that the council is likely to be compliant with the proposals that are made officially.

The presence of officials on the council is a direct break with English tradition where, so theory has it, the official is an employee who cannot be a member of the employing body if discipline and conciliar control are to be maintained. In India this view was regarded as dated by the Balvantray Mehta team which wrote "The time is long past when we could think of the officers' interest in rural development as something different from or contrary to that of the non-

8 The report (p. 29) recommends that the members of local councils be very carefully *selected* by the Province Authority from a secret list prepared in each council area. The Minister of Local Government has also to approve.

9 It has been stated that elections to local councils will be allowed in 1962.

officials."[10] That the atmosphere has changed since the departure of expatriate officials is undoubted, but this rather naive acceptance of the coincidence of lay and official views is belied by wide experience. Officials *do* become enamoured of their own schemes, they *are* sometimes inclined to annoyance at any opposition from the councillor, and when such issues are put to the vote, there is little doubt that the officials will vote together. There is no doubt that clashes do and will arise between what the councillors want and what officers think is suitable; even in English councils, where the distinction between member and servant is unequivocal, the 'lay gents' often have difficulty in getting their way. In this provision, the Act has certainly made ultimate popular control more difficult. Yet equally, it is of great importance to ensure the supremacy of the expert view at this early stage in development and it must be admitted that the inclusion of officers as members makes possible a wide exchange of views. Where real differences exist, much will depend upon the judgement of the chairman as to which side triumphs[11].

However, in addition to the deliberative functions of the council there is also that of communication – communication, that is, from the remote province centre to the districts; remote geographically, far advanced in time, and far superior in the status of its council. Here is a tremendous problem both psychological and physical – how to get a flow of information and policy suggestions moving outwards from Khartoum to the provinces, and then from the headquarters to the districts, and out, yet again, to the villages where public opinion is really based, and then to provide for the reverse flow of that opinion with its policy content inwards. It must be stressed that this is not being posed out of obstinate academic adherence to the concept of democracy. Participation of the people in planning and deciding on development is essential if the economic and social changes that are inevitable concomitants are to be accepted by them, if programmes are to be implemented and if something more than nominal adherence or even sullen indifference to these schemes is not going to result because they are alien concepts – for Khartoum to many Sudanese, Arab or African, can be as foreign as Cairo or, perhaps, even London. The Sudanese administration has realized the need to strengthen itself as regards community development work, both as an activity to be applied in the country at large and as a philosophy to permeate field officer and central civil servant alike. But to return to the question – how effective will the new arrangements be?

Sheer size of the provinces is a major obstacle. Some councillors will have a couple of hundred miles to travel, if not more, to get to the province capital, and at times, under arduous conditions of sandstorms or floods with, in places, rough tracks or soft sand. As this journey will have to be made at least quarterly, attending council meetings is going to absorb much time each year, and the wisdom of providing for a meeting at least every three months must be challenged. To cite Turkey again, the *vilayet* council meets annually after the harvests have been gathered and the meeting lasts for forty days, or until all business has been done. The *vali* gives an account of the past year's work, and

[10] Report of the team for the study of Community Projects and National Extension Service, Vol. I, para. 2.41. *Committee on Plan Projects*, New Delhi, 1957.

[11] The Sudan Government has felt the need for a safeguard against the very criticism made here and has issued circulars to the Government Representatives and to all departmental officials who are also province councillors *ex-officio*, defining the attitude they must adopt. The circulars also define the relations between the Government Representative, the chairman of the Province Authority, the secretary and other departmental heads; also the relations between the Province Council and the Province Authority. (Ed.).

presents a budget as the outline of the ensuing year's programme. Discussion can range over this and any other relevant matters. That control over the administration is ineffective has already been admitted, but in this context that is beside the point. The important problem is the practicability of holding meetings so frequently, and the effect this may have in dissuading individuals from becoming nominated members, or elected members of the council itself. Of course, the more infrequent the meeting, the more effective is the power which falls to the Province Authority, for whilst this is nominally executive only, occasions arise when quasi-policy decisions have to be taken. That increase in power seems inevitable unless the councils set up some form of executive committee of its non-official members to act in the intervals between meetings – again along the lines of the Turkish *vilayet daimi encumeni*. In the Sudan these could be drawn from areas contiguous to the 'capital', and such an executive committee would be available for regular meetings and in the event of emergencies. Whether sufficient confidence exists in these huge areas to delegate power to a few members is another matter. The experience of Uganda would suggest that the lack of confidence is a real stumbling block to delegation.

The size of the province might, in fact, indicate the need for a larger council than is provided. If the purpose of the body is primarily deliberative, then certainly it is of a convenient size. But if its prime purpose is to act as a means of communication, "of making the citizens share with the Government in formulating and implementing the general policy,"[12] the council is almost certainly too small. In the first place, consider this same purpose at the level of the local district. There is a real problem in getting information out of the villages within the relatively smaller area. Even more serious, there is great difficulty in persuading councillors to think in wider terms than those of the immediate villages which they represent. This is a problem which is experienced the world over and none have found a complete and satisfactory solution. Not only is jealousy of other areas involved, but also ignorance of what their needs are and, in fact, ignorance of what the district looks like as a whole. Part of the training for councillors in many local authorities is to send them in a lorry on a tour of the whole district. *Mutatis mutandis* the Province Council would appear to face similar problems. Few of the lay members will have a wide idea of the nature of their total responsibilities for the whole province. When they return to their districts they will presumably have to communicate with the various villages through their fellow councillors on the local authority of which they are members. It would have been better to have had a much larger council even if it met less often. In Yugoslavia the *srez* committee (district council) often numbers over 150, even though the *srez* may be minute in area compared to these provinces. Doubtless, the Commission and those who drafted the law once again had Uganda in mind for there very large councils have been a failure – a mass meeting in which everyone insists on being heard individually, and in which delegation to committees was most unpopular. Yet, for purposes of communication with the people, in so vast an area as say Northern Province, or Darfur or Kordofan where nomadism presents its own peculiar problems, a large council would confer great benefits. Each local authority would then have eight to ten members and the chances of their making contact with their constituents would be at least proportionately greater. In actual fact, contact might be improved in terms of a greater representation of different groups and sections

[12] The report, p. 8.

based on divisions other than geographic. Tribal divisions which are of particular importance in the south are already given some consideration. Those of economics are equally significant as between arable and pastoral farmers, and between them and the shopkeeper-merchant class. This is not just a matter of democratic elegance, but is of importance for implementing development programmes which have been broadly drawn up at the centre, and which to succeed must have widely-based support.

It is in keeping with the general emphasis in this legislation upon efficiency that the term of office of councillors should be three to five years, a term long enough for members to obtain an understanding of council procedure and of the general responsibilities the council has to discharge. However, it would appear from the Act that no second term is possible for those who are not *ex-officio* members.[13] If this were to be strictly interpreted so that a second term were impossible, the consequences might be serious. Experience in South America suggests that councillors who are eligible for only one term often show a high degree of irresponsibility as regards the future of their local authority. There they are often inclined to erect public buildings, triumphal archways, or some other edifice which will remind posterity of their particular term of office. Understandable, but regrettable when this irresponsible attitude jeopardizes the finances of the authority and leads to the neglect of essential services. This aspect of the Act should be remedied.

The Province Authority

The separate administrative arm shows equally interesting innovations. Probably for the first time, legislation has laid down the form that the machinery for co-ordinating field agencies shall take. The Sudanese Government appears determined that once and for all the machinery of inter-departmental co-operation shall be established. What in the past has been a group called together by the Governor, now becomes a legally constituted body which, by majority vote of the heads of the designated field agencies, shall determine administrative decisions generally, and decide upon methods of executing the instructions of the Province Council. One of the members will be designated in the warrant as chairman of the Authority (although in practice the first head will be the former governor (civil) of the province) who will call the meetings and settle its agenda.

Students of administration have often called attention to the difficulties of securing adequate consultation between, and co-ordination of, agencies in the field. There are always those who prefer 'to go it alone', whilst others are too busy to spare the time for what in their opinion are delaying activities. This can often lead to friction, to waste through overlapping activities, and to lack of the support which one department needs of another. Perhaps more serious still, it can lead to different approaches being made by two agencies to a local authority or an individual citizen which causes first, confusion, and finally, resentment, leading to non-co-operation with *any* officer from province headquarters. In the changed situation which will now result there is no room for such friction or for the unco-operative individual, for it says clearly "members of the Province Authority shall severally and jointly be responsible for the execution of Province Council decisions." Moreover, in the event of disputes "between members over distribution of work and jurisdiction", the decision of the

[13] s.12 – 'Membership of Province Councils other than *ex-officio* members shall be for not less than 3 years, or more than 5 years, as may be laid down by its warrant.'

Authority shall be final[14]. This is an astute arrangement which may well prove effective – it certainly merits careful watching. The importance attached to the meetings of this body is illustrated by the provision that agency heads cannot send deputies unless the deputy is actually in charge of the agency during the absence of its regular head. Much will be said, and rightly said, about the impossibility of forcing true co-operation and of how much must depend upon informal associations and ties. The former governor was the man who set the tone in this, and in the more remote headquarters, his house was not infrequently an informal club for senior local administrators. This could well continue if the new chairman wishes to carry out the spirit as well as the letter of the Act.

It may be that the creation of this Authority with such clear powers will exacerbate the problem of horizontal v. vertical integration – the conflict between loyalty of the field agency to its central ministry and its loyalty to the provincial council and authority. The Act struggles to meet this, albeit not very successfully, by providing that "every Minister shall have powers of supervision and inspection over Province Administration in matters pertaining to his ministerial functions as defined . . ."[15] This serves to clarify the powers of ministers but does nothing to help the field agencies with this difficult problem which India, for example, has found so intractable. A minister may also suspend a decision by the Province Council, subject to reference to the Council of Ministers. In such a case, his adviser is certain to be the departmental head in the province and this action may sit ill with the decision of the council in which the officer himself shared, even though he may have voted against it.

The working of this legally constituted body of areal administrators will be watched with the greatest interest by those who have studied similar patterns in Ghana, or in India, or the more informal arrangements prevalent in East Africa. The new arrangements introduce a further element, namely that the Military Governor, as chairman of the Council, is the provincial "head of all government officials" and "responsible for co-ordination and reporting on the activities of Government units."[16] In the first instance this situation may well cause friction. The civil governor was formerly head of the administration and this new arrangement whereby he becomes subordinate to his military counterpart is likely to be a difficult change to accept. Moreover, combined as it is with the arrangements for police to be responsible to a central commissioner (although a provincial watch committee may be set up), the chief administrator is quite separated from personal responsibility for law and order. The events of August 1955 are not so distant in time as to be of no relevance to an appraisal of the new arrangements. The report which followed stressed (admittedly among many other things) the need for understanding and sympathetic treatment of tribal people, and the need for the closest liaison between departmental administrators and the security forces. Under the old system the civil governor ensured this close common concern, and this was also firmly based on the responsibility which the district commissioner had for maintaining law and order. The new order is the logical outcome with security becoming police responsibility, and undoubtedly, during the period of transition, there will be a carry-over of the awareness of security questions amongst the new styled local government executive officers and the chairmen of the province authorities. When the present generation has gone – then will be the time for concern and

[14] s.28 (3).
[15] s.46 (1).
[16] s.6 (2).

for making special arrangements to meet what could be a potentially dangerous situation.

District Commissioners

The conversion of most of the district commissioners and of the civil governors respectively into local government inspectors and into the representative of the Ministry of Local Government indicates an important practical implication of this legislation, namely, the importance with which local government is viewed in the fight for development. Ever since the Marshall report[17] (and, in truth, even before it) the Sudan has been committed to building up its local government system. Dr. Marshall recommended this as a means of making the most of the very short supply of skilled officials and technicians which were available to this vast country, as well as for the democratic merits of the system generally. Local authorities are steadily being built up and will have an ever greater part to play in economic and social emancipation. In those districts where there was both a well trained local government executive officer and a district commissioner, the charge of extravagance in the use of scarce and valuable administrative skills could not be refuted.

In the light of this, the projected abolition of the commissioners is logical enough and it is significant that the most senior of these now become additional inspectors of local government. More authorities will be created, more existing authorities will have their functions extended by additions to their warrants, and the system of local government as a whole is likely to have increased responsibilities placed upon it. In this situation wise guidance and supervision will play a vital part in increasing efficiency in the districts, and in ensuring that central policies are clearly understood. The former commissioners are eminently suited to give this guidance and supervision, always provided that they can forget the time when the *merkaz* was the seat of all power in the district – to lead, to encourage and to persuade is so much more difficult than to command.

Comment on new innovations

Nevertheless, it should not be overlooked that the new institutions of Council and Authority, whilst diluting to some extent the remote omnipotence of far-off Khartoum, are also potential means of securing tighter control over the local authorities. The councils are given concurrent powers with local authorities in most matters and it is clearly the intent that, in the event of inefficiency or gross partiality, a council may be relieved of its powers, which will then become the responsibility of the Province Council and the Province Authority. The Council is also responsible for passing all the budgets of the local authorities, and for ensuring "that services performed by local government authorities are in the best interests of the inhabitants of the province and of the highest possible standards and in keeping with the national policy determined by the Government."[18] These general powers could be interpreted so widely as to substitute the discretion of the Province Council for that of local authority councils.[19]

However, the list of possible powers of the Council (upon which individual

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[17] *Report on Local Government in the Sudan* by A. H. Marshall, McCorquodale and Co. (Sudan) Ltd., Khartoum, 1949.

[18] s.18 (1).

[19] The Government has also felt the need to clarify this point and has issued directives to govern the relations between the province administration and the local councils. (Ed.).

warrants are to be used) include many which require a greater population, greater resources and higher expertise than is available to the average authority. Thus, the new province administration will not just "take up the slack in local government", to repeat Mr. Wallis's phrase, but will supply those services which are beyond the powers of the existing units. This is of the greatest importance, for the lack of just some such mechanism as this can lead to the complete absence of such services. Brazil is an outstanding example of the difficulties that can arise. In some states, the *municipios* will neither come together to provide services beyond the resources of a single authority, nor allow the state government to help provide them. In these sorry circumstances it is the citizen that suffers.

Undoubtedly, it was the concern that the citizen should not suffer, and that development should go forward unimpeded, which brought about the various provisions to preserve efficiency, as interpreted by the central Government. The appropriate minister may suspend a council resolution for a month; or the Council of Ministers may suspend a province council or suspend, cancel or amend its warrant. The reverse side of the same aim is that the Council's competence over the Province Authority is limited to passing votes of censure in cases of "mal or non-execution of its (the Council's) decisions."[20] In practice this is likely to be effective only where the chairman of the Council supported the motion of censure, as he is also head of the administration. In short, the whole arrangement is carefully geared to ensure that no Council can effectively pursue an inexpedient course, nor can it obstruct the Authority in what it regards as the proper discharge of its responsibilities. Guided, limited, democracy is the key word of these innovations.

To summarily evaluate a set of paper proposals is not easy. The observer can only assess them in the light of the working of similar institutions and arrangements elsewhere – entering a caveat that even this is not always reliable as it is the spirit of those operating the institutions which is ultimately all critical. There can be no doubt that the administrative arrangements are sound. The Sudan has instituted a formal areal organization which will provide a mechanism to co-ordinate various departments and provide a formal gathering of administrators to plan for the area as a whole, to think ahead, to act as interpreter of the views of the centre to the periphery and vice versa. Its importance and the duty of each field agency head towards it are established beyond all doubt. Moreover, the Province Council and the Authority together could strengthen local government and ensure that services being provided are extended and improved.

What one cannot foresee are the attitudes to be adopted between the Province Administration and the councils. It may be that of orders and commands, the stuff of a hierarchical relationship. It could be that of partnership where the two work together first, perhaps, as tutor and pupil, and then of equal partners in a common, challenging, gigantic enterprise. Here the spirit of the Province Authority is all important and its having to work with the Council should engender an understanding approach. It must be admitted too, that whilst the province capital may be as distant as Edinburgh from London, or Marseilles from Paris, at least it is physically and psychologically nearer than Khartoum. There will be amongst the administrators a common knowledge of conditions, difficulties and aspirations based on local knowledge which, perforce, must

[20] s.18 (1) (*d*).

often be absent from inter-departmental committees that Khartoum has frequently had to convene to consider these same problems. Deconcentrated concentration here must be all to the good.

More reserved must be the praise for the devolutionary aspect of the new institutions. Understandably enough after some of their previous experiences of politicians, many in the Sudan are dubious about the reintroduction of politics. Certainly, the former pattern was often of sectional interests seeking gain without any sense of responsibility to the community as a whole. Yet the present pattern is one of too careful selection of all representatives, and of putting them into a too-tight leading rein. Understandable enough – but how is political maturity to be attained in this way? When are the people to be given the opportunity to exercise the power of accountability over their representatives? When are politicians to learn that the practice of politics includes statesmanship and tolerance amongst its most important attributes?

Conclusion

Though the situation today is different from that of the 1943 Local Government (Province Councils) Ordinance, for the administration is no longer an alien one, it must be recalled that those councils, being advisory only, failed because of the apathy of members and the indifference of the public. If these new experiments are to succeed – and the Sudan badly needs regional self-government for it cannot afford a federal state – then the new councils must be given real responsibilities and effective power. Furthermore, the councillors need to draw their understanding and, with it, their strength from the people of the districts for which they have been nominated. Without this organic link, which may come soon, there can be no vitality derived from the people in the programme of development, nor popular enthusiasm, which leads to active participation.

Whilst none can forecast the train of events, the pattern established is not one of popular participation but rather that of a carefully controlled oligarchy which it will be hard to develop into a full-blooded, healthy democracy. It is not for a foreign observer to pass judgment as to the need for a period of quarantine, nor to suggest its length. He may, however, ask – what follows that period?

Land Reform and Procedure[1]

by S. Rowton Simpson, c.b.e.

Land Tenure Adviser to the Secretary for Technical Co-operation

Land reform is a broad and rather woolly expression which often means different things to different people because they tend to think merely of the particular form which it has taken, or seems as if it ought to take, in their own country. It means, in fact, any process designed to change the arrangements by which land is held for the purpose of improving the social or economic position of those who actually use the land, but at the same time it must also contribute to general economic development. It is obviously no good improving the condition of the individual worker on the land if the general economy as a whole is going to suffer, but land reform enthusiasts sometimes seem to forget this.

Types of land reform

There are various types of land reform. For example, it may involve redistribution of land. In one country redistribution may be needed because the land units are far too large and are neglected or unused. In another country redistribution may be needed for exactly the opposite reason; it may be needed because the land units are too small for efficient farming.

Land reform does not, however, necessarily imply, as some people seem to think, that large estates must always be broken up into small holdings. This may be an important and necessary land reform in some countries but in others it would be no more sensible than to insist that a flourishing textile industry with large and efficient factories should be decentralized again into hand looms and home weaving. Thus land reform in the case of, say, an efficient plantation may, if it is needed, take more the form of improvement in labour relations than in any alteration of the unit of land holding. Similarly, small land units are not necessarily always bad and what, at first sight, may seem to be 'harmful fragmentation', as it is called, may, on closer examination, turn out to be a land-distribution not ill-suited to local conditions.

Again, in some countries, 'landlordism' appears to be by far the greatest evil because the landowners there contribute nothing by way of managerial ability or capital investment, but nonetheless take a quite unfairly large share of what is produced from the land. In such countries land reform tends to mean merely the expropriation of the landlords so that the tiller of the soil may become a small proprietor and hold directly from the State with no intermediary in between. But few persons who have been brought up in the context of farming in England would suggest that action on these lines would be useful there. In Great Britain and in the industrialized countries of Western Europe, the landlord plays a very useful part in facilitating proper development and is obliged by law to do so. Land reform has therefore not taken the form of expropriating him, but of regulating tenancy arrangements so that the tenant is given security of occupation and compensation for disturbance and the landowner is protected against

[1] This article is based on two talks given by the author on the B.B.C. Caribbean Service in February 1962, and is printed with acknowledgements to the Corporation.

bad husbandry which would depreciate his property as well as impairing the land which is no less a most important national asset because it is privately owned. This sort of tenancy regulation naturally requires a well drafted law and efficient and experienced administration if it is to be effective.

The variation in what is needed means that land reform assumes different guises in different countries, or even in different parts of the same country. What may be a good thing in one place may be a bad thing in another. There is no short-cut or ready-made answer. An exact analysis of the nature of the ills, if any, is therefore essential before any programme is undertaken and, of course, a knowledge of what has been accomplished elsewhere or, equally important, what has failed is of special value. For example, techniques for the consolidation of fragmented holdings have been worked out in many different territories. It would be absurd to embark on this sort of land reform, without studying the various processes and profiting from the experience of others. Similarly land settlement, or resettlement, is another kind of land reform which has been practised in a great variety of conditions. Before it is undertaken, visits to comparable schemes will suggest ideas and may avoid the repetition of some expensive errors.

Co-operation in connexion with farming is another big field in which there has been much experiment, and the whole question of agricultural credit is, of course, vital to the farming industry generally and in particular to any scheme of land reform which is aimed at securing the position of small farmers.

Ascertainment of ownership

Enough has been said above to indicate the diversity of land reform and I must now mention the processes concerned in creating and transferring interests in land and which, therefore, are inevitably involved in any process of land reform.

It will be readily understood that before any measure of land reform can be undertaken, or even considered, it is essential to ascertain who owns what in the area concerned. This ascertainment, or 'adjudication', as it is usually called nowadays, must cover *all* interests which affect the land. It is just as important to determine the right of a lessee, or of a mortgagee, as it is the right of an owner. The background land law and procedure are vital factors and they may have to be put right before any measure of land reform can be effected.

Special characteristics of land as an economic commodity

Land is the source of all human wealth beginning with the food we eat. The way in which it is held and how it is used are therefore of tremendous importance in the affairs of mankind. Regarded as an economic commodity capable of being bought and sold, it has certain special characteristics which distinguish it from all other forms of material. It is fixed and immovable, so that it cannot be physically delivered to a purchaser, nor can it be possessed like something that can be moved. This means that a special procedure is necessary to prove the ownership of land. In the case of movable property it can generally be safely assumed that the person who is in possession of it and offers it for sale in proper circumstances is the owner and has the right to sell it. But such an assumption is not safe in respect of land, for the person in possession frequently is not the owner; he may be a lessee, or merely a squatter. Some proof of ownership other than possession is therefore a vital preliminary to the sale of land, and also to any measures of land reform which would affect existing rights in land.

Another unique characteristic of land is the fact that it is permanent and everlasting. This will sound strange to those people who are accustomed to being warned not to harm or destroy their land by, for instance, allowing its top-soil to run away into the sea. But lawyers do not regard land as comprising merely the surface; to them it includes everything which is fixed to it and the air which lies above it right up into the sky, and everything which lies below it right down into the centre of the earth. Regarded in this way, as a segment of the earth extended into outer space, land is as unchangeable in extent as is the earth itself, so it is not subject to the processes which increase or decrease or destroy other forms of wealth. Thus the land which was included in the Domesday Survey made in England nearly 900 years ago is still the same land today, though what stands on it and the individual parcels in which it is held may have changed completely. This permanence, the fact that it lasts for ever, makes land particularly liable to become subject to derivative or subordinate interests, such as leases or mortgages, or easements. These are, so-to-speak, fastened on to ownership and the important point about them is that they give other persons than the owner rights over this land after it has been transferred, even though the person to whom it has been transferred had no knowledge of them when he acquired it. It is imperative that such rights be fully ascertained before a transaction is completed.

Procedure for land transactions

It is obvious, therefore, that transactions in land require different processes from transactions in goods and demand special safeguards to ensure, first, that the seller owns what he is offering for sale and has the right to sell it and, secondly, that the purchaser shall know of all derivative or subordinate interests which may detract from its value or restrict its use.

For this purpose there grew up in England an elaborate system for creating or transferring interests in land – 'conveyancing' it is called. Highly trained lawyers examine the title to any parcel of land by scrutinizing the documents recording transactions affecting it over a period long enough to ensure that nothing of significance has been overlooked. They prepare a careful history of these transactions and other events, such as deaths, which affect the title, and in this way satisfy themselves that the proposed dealing may be safely completed. The parties to a transaction must get this done every time there is a dealing. Furthermore its accuracy, and therefore the security of the title itself, depend entirely on the skill and care of the lawyers involved, and they naturally require a substantial fee.

In this system it has always been possible to make a mistake and overlook some vital transaction. The first and obvious improvement, therefore, was to institute a public register of the documents of such transactions and to provide that only transactions recorded in it should be valid. Thus search of these registers would enable a conveyancer to make sure that he was not overlooking any material factor. This system is known as registration of deeds and in England it was introduced only in two counties – Middlesex and Yorkshire – but it was general in Scotland from early in the 17th century. It is of particular importance because it is the system which was almost invariably introduced into colonial territories along with the English general law. For example, it is common throughout the United States of America, where it was first introduced in colonial times, and it is only the existence of these public records which have enabled the Title Guarantee Corporations

of the United States to insure titles; they could not operate without the Deeds Register.

Registration of deeds can be a very effective system if the deeds are indexed by the parcels they affect and not merely by the parties to them, but its weakness is that it is still the deed, and not the register, which proves the title. A deed is a record of an isolated transaction and is evidence that that particular transaction took place, but it is not in itself proof of the legal right of the parties to carry out the transaction and consequently it is not proof of the legality of the transaction. It follows therefore that investigation of title will still be necessary – to a greater or lesser extent – depending on the manner in which the register of deeds is kept.

There is a further system, however, which avoids even these difficulties. This is 'registration of title', which is the system I specially wish to commend. This system, which was introduced into South Australia by Sir Robert Torrens in 1858 and has since spread from there to many Commonwealth and other territories under the name of the Torrens system, will doubtless be familiar to many under that name. Its basic principles are the same as those of the system which was introduced into England in 1862 under which over a million and a quarter titles are now held. Briefly, the State arranges, as a sovereign act, to investigate title and to do it once and for all. One final authoritative examination is substituted for the repeated examination by private practitioners which, as I have explained, were inconclusive as well as expensive. Thereafter, by means of entries in a register maintained and warranted by the State, all the material particulars relating to the ownership of a parcel of land are recorded and so are fully revealed to any interested persons. The register is the final authority. Subsequent transactions are effected by making an entry in the register – and only by that means. A simple procedure with simple forms exists for this purpose. Dealing in land becomes as quick, cheap and certain as dealing in goods.

Conclusion

Thus it will be seen that not only is there a wide range of land reforms which may or may not be appropriate to any particular area, but there is also a considerable variation in the processes available for proving title and conducting land transactions and so for giving effect to such reforms.

I can do no more here than invite attention to the advantages of registration of title both for purposes of land reform and in itself; but this subject is one of those to which the new Department of Technical Co-operation, recently set up in Britain, gives close attention. It has at its disposal knowledge and experience which is available to any territory requiring it.

Land Reform in India

by VERA ANSTEY[1]

Introduction

THE subject of land reform in India is extremely complex. Many different types of land and tenure systems have prevailed in different regions, a number of which may be found within one and the same State (as a Province is now called). Moreover land legislation is a State, not a central subject, so that – although the central Government has pronounced its objectives and favoured certain policies – the reform legislation differs from State to State, and has been passed and implemented (if at all!) at different dates. In addition, the fact that there are local names for the varied land and tenure systems and for different classes of tenants, is apt to prove confusing.[2] An associated difficulty is that of securing (from so many sources) reliable and up-to-date statistical and other data, whilst there is sometimes a tendency to assume that if legislation is passed, implementation necessarily follows.

The method adopted here is to simplify and generalize, so far as possible. For instance, the term *zamindar* is used to denote many types of landowning intermediaries between the government and the actual cultivators; similarly no attempt is made to deal individually with particular States, apart from certain chosen illustrations.

The need for land reform has long been generally recognized in India – except by the *zamindars* who stand to lose directly therefrom, whilst even they have largely contented themselves with most ingenious delaying and obstructive practices without much hope of reversing the policy. On the other hand, there is still much controversy about what should be the ultimate pattern of land holding and utilization. Compulsory collectivization (whether in State farms or 'collectives') would be in direct contradiction to the traditional, individualistic ideals of the peasants; it is not desired by those in authority, and could neither be enforced nor administered. It is definitely not for consideration. Present policies favour peasant holdings of a size to provide a living for the cultivator and his family, combined with the stimulation of multi-purpose and service co-operative societies, with the hope that this may lead to voluntary co-operative farming in the future. The governments have established some pioneer and experimental co-operative farming settlements, and a number of private, so-called 'co-operative farming societies' have been started, but it is doubtful how many of the latter truly deserve this name. As a rule they appear to be more like partnerships, between relatives and friends, many of whom take no part even in supervision of the actual cultivation, whilst they are not open to membership by villagers, and employ hired labourers. At the same time certain types of large and mechanized farms, employing wage-labourers, are treated as acceptable if considered efficient, or if their products are inappropriate for small-holdings. This category includes plantations, orchards, cattle-ranches, and dairy farms. But whatever the ultimate pattern (or patterns?) may be,

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[2] See Daniel Ghorner: *The Agrarian Prospect in India* (1956, Delhi). Although published 6 years ago, this remains perhaps the most authoritative book on the subject of land reform. Most of the fundamental legislation had been passed when he wrote. He gives a very helpful bibliography.

it is considered that the present reform measures should prove beneficial, and will not affect adversely the power to choose – or decide – the ultimate pattern.

Indian land systems under British rule

Shortly it can be said that, before Independence, the Indian land systems were based, with modifications (and some may say distortions), on tradition. The chief modifications were the recognition of some *zamindars* as landowners, and greater legal explicitness as regards rights or interests in land and the duties and responsibilities of the various parties concerned.

There were two main types of land system:

(1) *Zamindari* settlements, made between the government and the *zamindars*. These determined the rate of land revenue payable to the government and, in some cases (normally in return for past or present services), might provide for concession rates, or even complete exemption from land revenue, but left the *zamindars* to make their own terms with their tenants. Permanent settlements were made in some districts of Bengal, North Madras, and Bihar (from 1793 onwards) which replaced land revenue rates by cash payments, fixed once and for all, with disastrous results. This system made no allowance for changes in the value of either land or money, so that, with increasing population pressure and competition for land, the *zamindars* were able to raise rents to extortionate levels, whilst they had only to pay to the government an ever-decreasing share of their rents as land revenue. Many became extremely wealthy absentee landowners, and ceased to take any interest in cultivation. Temporary settlements (usually for from 10 to 30 years) were made elsewhere. This enabled land revenue rates to be raised on resettlement at the end of each period, but rents could be raised to oppressive levels here also.

(2) *Ryotwari* settlements were originally made between the government and the actual cultivators (or *ryots*) over rather more than 50 per cent. of the country, subject to periodic resettlement. But in time, with increasing pressure of population and the rise in the value of land, many holdings were leased, and later sublet (as a whole, or in part), so that a class of (sometimes non-cultivating) rent-receivers arose here also.

In course of time the results of these systems became more and more unsatisfactory. Holdings became subdivided (amongst heirs and tenants) and fragmented into scattered plots. This resulted in a multitude of uneconomic holdings, each too small to support a family. Rack-renting prevailed, often leading to indebtedness and loss of land, or at least to the need for some members of a family to seek additional earnings as wage-labourers. Tenures were insecure, offering no incentive for improvement, whilst the number of landless families rose. The final result was lack of investment and improvement in the land, increasing unemployment and under-employment – and dire poverty. Absentee landlords (and rent receivers in general) invested, or more often spent, their rents in the cities and industrial areas. Periodic famines, epidemics and the depression of the nineteen-thirties made matters still worse.

By this time a whole series of rights over, or interests in, the same land – by owners, tenants, sub-tenants, tenants-at-will, and crop-sharers, amounting sometimes to ten or more claims over part of the produce of the same holding, had been established. In the villages there were also landless labourers and village craftsmen and servants, all attempting to live off the land.

Under British rule the policy of non-interference with social institutions and customs prevented any drastic land reform, but tenancy reforms were gradually introduced along lines similar to those pursued after Independence. In addition, land revenue rates were progressively reduced until their burden became negligible in comparison with that of rents, despite the fixation of maximum rents in some regions.

The Indian Land Reform Movement

During the second world war, and between 1945 and 1947 – provincial autonomy having been granted – the agitation for land reform grew, and enquiries were held, resulting in far-reaching recommendations[3]. From 1947 onwards, legislation was introduced in one State after another. The objectives of reform were similar (both at the centre and in the States) and have been formally stated in the three Five Year Plans, but the actual measures introduced varied greatly. The first objective was increased efficiency, productivity and diversification of output, by the removal of impediments arising from the rural structure. The second was the elimination of exploitation and injustice by providing security for the tiller of the soil, and assuring equality of status and opportunity to all sections of the rural population.[4]

The principal measures adopted which, however, varied greatly in detail, were as follows:–

(1) The abolition of *zamindari* accompanied by compensation, paid partly in cash and partly in (usually 20 year) bonds. The total compensation payable has been estimated at Rs. 648.6 crores (one crore equals 10 millions); by 1961 Rs. 164.2 crores had actually been paid.[5] Less than full value is paid, and the larger the estate the smaller the percentage of compensation to value, but there is great variation as between States. The intention is that the State governments shall eventually recover the compensation payments from the tenants who now come directly under the States, from either the rents paid to the States, or the prices paid by those tenants who purchase their holdings.

In abolishing *zamindari*, the principle was to leave self-cultivated lands in the hands of the *zamindars*, but great controversy has raged over the definition of 'self-cultivation', as will be seen below in relation to Bihar. It was also considered equitable to permit *zamindars* to resume some land, for self-cultivation, that had previously been uncultivated or let to 'unprotected' classes of tenants, i.e. those with no security in their land. The power to resume, and the extent of permissible resumption have been treated very differently in different States. Great hopes of the redistribution of land from expropriated *zamindars* were aroused in the countryside, even amongst the landless, in some areas. But these hopes have been disappointed, except with regard to the protected (and more prosperous) tenants. In some cases the power to resume has inflicted great hardship on those from whom land has been taken for self-cultivation.

(2) Tenancy reforms, extending and intensifying British policies. These include substantial reductions in rents; security of tenure and facilities

[3] See *Bibliography of Indian Agricultural Economics* (1954), Chapter VI, *Land Problems:* and Government of India (Ministry of Food and Agriculture) *Agricultural Legislation*, Vol. IV, *Land Reforms: Abolition of Intermediaries* (1953); Vol. VI, *Land Reforms: Reforms in Tenancy* (1955).

[4] See First Five Year Plan, Chapter XII; Second Five Year Plan, Chapter IX; Third Five Year Plan, Chapter XIV.

[5] *India*, 1961, p. 267.

for the purchase of land for certain classes of tenants; bringing the favoured classes of tenants into direct relation with the State (instead of with their former landlords); regulations controlling the resumption of leased land whereby a certain amount, or proportion, of the land should be left with the tenants; the resettlement of the landless on newly reclaimed land or land expropriated from *zamindars*, but not formerly cultivated by tenants; the consolidation of minute and fragmented holdings into economic holdings; and land management measures.

Not even legislation has yet been introduced throughout the Union to achieve all these reforms, and still less has implementation taken place. Land management legislation has not yet been formulated. Resettlement of the landless has been insignificant. Consolidation proceeds gradually. Maximum rents, which by the end of British rule had been reduced to about 50 per cent. of the gross produce (in cash or kind) have been, or are being, substantially reduced (although State targets differ), but the levy of illegal cesses from unprotected tenants, in addition to rent, is still very common. So great is the desire for land, and the power and traditional status of the *bara log* (the larger landowners, the better educated, and the wealthier classes, castes and individuals, not excluding moneylenders) that the exploited lower classes dare not assert their rights and may, indeed, even be ignorant of them. The idea of the central Government is to bring all tenants into direct relation with the State governments but, as will be illustrated later, the legislation has so far failed to extend this relationship to many millions of villagers who most need protection.

(3) Ceilings on land holdings. These may be applied to either present or future holdings, or both. The central Government favours ceilings, but the State governments have tended to defer legislation until after the abolition of *zamindari* and the resumption of land for self-cultivation. This clearly makes it difficult to impose meaningful ceilings, which vary from State to State (where imposed at all) from 25 to 312 acres for existing holdings and from 12 to 180 acres for future acquisitions.[6] Exceptions are made for land uses requiring large areas, for co-operative farms, and for 'efficient' farms.

The main problems

The first problem, which affects all planning in India, is the inevitable conflict between the objective of increased productivity, and that of greater equality of distribution. Moreover opinions differ as to what is the optimum size of a holding, even after full allowance has been made for differences in fertility and other physical conditions. Where land is the scarce factor and labour is plentiful, the economic principle is to maximize output per acre rather than per head. But if this entails an increase in the size of many holdings, many cultivators will lose their holdings. If other occupations could be found for the surplus cultivators, this would provide a solution, but in India it will be many decades before this becomes feasible. The present policy, as in many other spheres, is a compromise.

Secondly, State legislation has left many loopholes and suffers from a number of defects. Amending Acts are attempting to improve matters, but in many cases too late to prevent great and permanent hardships. Delays in implementation naturally aggravate the problem. Opposition from *zamindars*, together with the

[6] *India*, 1961, pp. 266-267.

fear, ignorance and apathy of the unprotected tenants and crop-sharers, have led to a spate of evictions from the land in some, though not all, States, to a reduction in the status of many cultivators (as when crop-sharers have become landless labourers), and to a large (but quantitatively unknown) addition to the labour force.

Thirdly, there have been, and still are, formidable administrative problems. The reforms require the recruitment and training of a host of additional officials for minor posts which are, however, crucial for the success of the reforms. Moreover, this is also true for many departments connected with planning, and with rural development, for instance the community projects, rural credit, the expansion of co-operatives, and the resuscitation of village *panchayats*. These posts are not only minor as regards pay and status, but also entail rural, as contrasted with the preferred urban, employment. If the reforms are to be implemented in the spirit of their objectives, such officials must understand and sympathize with the points of view of the various social classes, including the scheduled castes, if they are to make themselves acceptable and trusted in the villages. Many are urban-bred and have to learn to understand rural life.

The necessary training and experience just cannot be gained quickly. But two weeks often must suffice. The additional work resulting from the reforms includes bringing up-to-date the records of land rights, which in permanently settled areas are completely unreliable and hopelessly out-of-date, and in many other areas also are not up-to-date or accurate. In some areas leases require registration, but elsewhere oral leases continue. Naturally registration is the official policy, but one which is still far from implementation. Then, again, officials have now to collect rents from the tenants who have been brought into direct relation with the States: previously the *zamindars* carried out this. Compensation (requiring valuation of the land taken from the *zamindars*) has to be estimated and collected. The Planning Commission's Panel on Land Reforms, reporting in 1959, estimated Bihar's requirements in 1956 for supervisors, inspectors and officers in charge of administrative units, resulting from the reforms, at 7,164 persons, of whom 5,970 would be officers in charge of administrative units.[7] How can so many well-trained, experienced, incorruptible and tactful new administrators be secured in so short a time? The answer is that it is impossible. One point, apparently overlooked in official documentation, is that the *zamindar's* agent, who normally represented the *zamindar* in many villages, is being badly missed in some cases. For instance, Kusan Nair,[8] after a recent rural tour throughout India, reports a conversation in a district where she found cultivation and productivity declining seriously owing to neglect of the repair and care of tanks and wells. Asked why this was, a villager replied that the *zamindar's* agent used to see to all that. But why not do it yourselves? "What are we paying taxes for? Why should the government not do it?" came the reply.

Fourthly, there is the problem of land transfer, and of preventing subletting and subdivision of holdings in the future. In principle the land reforms envisage an end to subletting and subdivision, based on belief in self-cultivation by all landholders, and the elimination of uneconomic holdings. But no general rule or law has been adopted. Even before the reforms the right to sublet was restricted in some States, such as Uttar Pradesh and Madhya Pradesh, but in

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[7] Government of India: Planning Commission; *Report of the Panel on Land Reforms* (1959), p. 20. This volume deals with particular States in some detail, and contains many useful recommendations.

[8] Kusan Nair: *Blossoms in the Dust* (1961, Duckworth). A most revealing and readable book.

others the right to transfer and sublet, such as in West Bengal and Bihar, remained and still remains unrestricted.[9] There are, however, well-founded objections to the prohibition of transfers whether by sale or subletting. Land should be in the hands of those able to make the best use of it, and not all rural dwellers are good cultivators. Some cultivators may be anxious and able to enter non-agricultural occupations, whilst on the other hand, land transfers are the only means by which the landless and holders of non-economic plots can acquire economic holdings. In addition, lack of transfer rights restricts the power to secure credit. It is also held that certain classes, such as widows and the handicapped, should be permitted to sublet, until the family becomes able to resume self-cultivation. Hence whilst at present transfer and subletting does, or may, continue, there appears to be a tendency to recommend the restriction or control, perhaps through the village *panchayats* or a land commission, of the transfer and subletting of land.[10]

Case studies

To explain more realistically some aspects of the problems involved, a more detailed account will now be given of first, the abolition of *zamindari* in Bihar, and second, the tenancy reforms in Bombay (before the recent division of that State into Maharastra and Gujarat).

The abolition of zamindari in Bihar[11]

Bihar is an extreme case, because 90 per cent. of the area was under permanent settlement, which gave rise to more acute difficulties than any other system. In Bihar, before the reforms, an "inextricably stratified system"[12] prevailed. *Zamindars*, other privileged owners, and tenants-in-chief (leasing land from the State, but subletting part of their estates) were wealthy rent-receivers. Other tenure-holders also leased land. *Ryots* with occupancy rights (that is with security of tenure) held land from the superior owners and tenants, and so did *ryots* who had no long-term security of tenure. Under-*ryots* held land from *ryots* on short leases, or at will. Finally the *muzdars*, with no rights in land, worked for wages.

Legislation for the abolition of *zamindari* was introduced in 1947 and passed in 1949 but, being questioned on constitutional grounds, was withdrawn, and revised, leading to the Act of 1950. This Act was challenged in the Patna High Court, as contravening Article 14 of the Constitution, which guaranteed property rights. The central Government then introduced the first amendment to the Constitution which was passed in 1950 (Article 31A). The amendment was challenged in the Supreme Court which, however, pronounced it valid. Thereafter the constitutionality of the Bihar Act was contested at Patna, whenever it was sought to be enforced, case by case. Its validity was upheld and the Act became law in 1952, 5 years after the first Bill was introduced. This gave plenty of time for evasive action by *zamindars*.

The Act abrogated the permanent settlement; abolished the intermediary interests of *zamindars* and tenure-holders; and the State became the landowner, and receiver of rents from those whose land had been taken over. The former *zamindars* and tenure-holders had the right to retain land under personal cultiva-

[9] *Report of the Panel on Land Reform* (op. cit.).

[10] D. K. Mukerji: *The Problems of Land Transfer*. 1920-1944 (1957, Santiniketan Press, Bengal). Dr. Mukerji discusses the whole subject and his book contains some up-to-date information in Appendices. A second volume is projected.

[11] F. T. Jannuzi: *Agrarian Problems in Bihar* (unpublished Ph.D. Thesis, 1958). To be seen at London University Library, or at the Library of the London School of Economics).

[12] F. T. Jannuzi, op. cit.

tion, and no ceiling was imposed (none has yet been introduced, but ceiling legislation is under consideration). The land which could be retained included;-

(*a*) the 'homestead'; that is the dwelling-house, its compound and surrounding fields. This was rent free, but subject to land revenue. Some special type of tenure-holders continued to hold free of land revenue;

(*b*) '*khas* land'; that is land under personal cultivation, which was defined as 'self-cultivated', or cultivated by the owner's servants or hired labour, or with his stock. In some States even cultivation through an agent has been held to be personal cultivation. Rent was paid in '*khas* land';

(*c*) land on which other buildings, such as factories, mills, and storage barns had been constructed.

The land to be taken over, therefore, was land not under personal cultivation, and that leased to tenants with occupancy rights and to 'protected' tenants who exercised their rights to purchase the land before expiry of their leases. Land leased to unprotected tenants, and to protected tenants who failed to purchase their land, was not taken over, as the intermediaries had a right of resumption for personal cultivation over such land.

It was not surprising that the intermediaries, knowing what was to be the law (if passed and validated), set about vigorously and successfully to increase the area under personal cultivation. They handed over parts of their estates to relatives, friends and servants – and it must be remembered that there were, in permanently settled areas, no usable surveys or records. They cut down fruit groves and forests and hastily planted potatoes. They evicted crop-sharers and tenants-at-will and intimidated protected tenants to make them voluntarily surrender their land rights, in order to increase land personally cultivated. As there was no ceiling, some *zamindars* managed to retain all their previous land. Dr. Januzzi instanced one of the five villages, which he subjected to detailed survey, to show what happened there. An absentee landlord had owned all the village land of 600 acres. In 1956, when the survey was made, he retained 500 acres rent-free, having lost 100 acres to occupancy tenants. Twelve tenant households had been evicted, and joined the landless. These tenants had previously grown food crops, but the *zamindar* now cultivated cash crops (tobacco, sugar cane) in this land. The village food supply was thus reduced and as the number of wage-labourers had increased, wages were also reduced. In another village, in order to retain some land, a co-operative farm was established, the members being not the villagers, but the *zamindar* with some relatives and friends, none of whom actually worked on the land.

Another method of evasion, widely practised, was for intermediaries to refuse access to their rent-rolls and other records, so that by the autumn of 1952, only 155 out of 205,977 estates has been dealt with. This led to an Amendment Act in 1954, giving additional power to enforce the submission of documents, power to annul some of the transfers and fragmentation of interests, and issuing a general notification that all the relevant land would be taken over by a given date, whether or not records had been submitted. Nevertheless it still took several years before all the estates were taken over. Although Bihar may be an extreme case, it is officially and frankly admitted that widespread evictions and loss of land have occurred in many States.

Tenancy reform in Bombay

The Bombay Tenancy Act of 1948 amended and extended legislation passed under British rule to give security of tenure and a right to purchase their holdings

to certain classes of tenants. It also provided for the fixing of, and reductions in, maximum rents. *Ryotwari* prevailed over 90 per cent. of the State, but it must not be forgotten that here, as in *zamindari* areas, a whole series of tenants, sub-tenants, and crop-sharers had come to have an interest in the land held by the *ryots*, with whom the original settlement had been made.

The Act of 1948 recognized three types of tenants:–

(*a*) permanent tenants, with occupancy rights, and rights of inheritance and transfer;

(*b*) protected tenants, that is those who had cultivated their holdings for at least six years and who formed the great bulk of the cultivators. The Act gave them the rights of inheritance, and right to purchase their land, but if they did not purchase by a given date they were to run the same risk of resumption of their land by their landlords as did ordinary tenants. Under British rule, protected tenants in some districts had already been given these rights, but the Act of 1948 extended to the whole State;

(*c*) ordinary tenants, whose land could be resumed at any time. If not resumed, the leases were to continue for 10 years, and were renewable.

The Act laid down maximum (and reduced) rents, the prohibition of additional (already forbidden!) cesses, and provided for the commutation of rents in kind to cash rents for all three classes. Both permanent and protected tenants were, as said above, given complete and conditional security of tenure respectively. From an Act of 1939 onwards, controversy had raged over the right to resume, the definition of personal cultivation, and the rights of various classes of cultivators. This Act had excluded cultivation in Bombay by hired agents from personal cultivation, and classed crop-sharers as tenants.

The practical results of the Act of 1948 depended largely upon interpretation and administration. Unfortunately there was no effective administration and, although the Bombay Act was cited as a model for other States, a report on the working of the Act stated that "for all practical purposes (it) did not exist".[13] The Panel on land reforms agreed, stating that "the regulation of tenant-landlord relationships has thus generally failed".

The sad fact was that the nominally protected tenants were either ignorant of, or unable to assert, their rights, whilst the ordinary tenants had no rights to assert. Protected tenants were told to 'voluntarily surrender' their rights, and did so in very many cases. Indebted tenants could not risk going to law to assert their rights. Crop-sharers failed to secure the status of tenants, so that crop-sharing continued and crop-sharers became practically indistinguishable from hired labourers. The resumption of the land of ordinary tenants and crop-sharers continued, so that the number of wage labourers increased.

In 1957 some, but belated, improvement was introduced by an Act which stated that protected tenants (if not already ejected!) should be deemed 'owners', even if they had not exercised the right to purchase. Hence their holdings were safeguarded and could not be resumed.[14] In 1961 tenants of small-holders were also enabled to become owners.

Appraisal of land reforms

It can shortly be said that legislation for the abolition of *zamindari* and land reforms have now been introduced in all States, but such legislation does

[13] *Working of the Bombay Tenancy Act* 1948, by V. M. Dandekar and G. J. Khudanpur. (Publication No. 25, Poona, 1957, p. 187). See also D. Thorner, op. cit.; and *Report of the Panel on Land Reforms*, op. cit.

[14] *India*, 1961, p. 263.

not yet extend to the whole of each State. Small untouched pockets (with unusual tenures) persist. Ceiling legislation, however, has not yet been adopted by all States, although it is universally under consideration. Implementation lags. The removal of acknowledged legislative defects remains very incomplete. In many States enforcement and administration are most unsatisfactory, but conditions vary enormously in different regions.

In the short run the main objectives of the reforms have certainly not been attained. Although total agricultural output has recently tended to rise, it is difficult to know to what extent this can be attributed to such agricultural developments as the reclamation of waste land, the extension of irrigation, the distribution of fertilizers and better seeds, or to the land reforms. Or it may be due (as has so often happened in the past) largely to favourable monsoons. Some local enquiries have revealed no increase in output. It is disquieting that a recent enquiry[15] into average yields per acre, covering periods from the early thirties up to 1959, suggests that there has been little, if any, improvement, although it shows recovery from the nadir of about 1950.

The classes who have benefited from the reforms are the more prosperous cultivators such as those with occupancy rights, and some protected tenants; those who have suffered are the *zamindars*, who have lost rental payments and received less than full compensation, and certain classes of tenants and crop-sharers who have been ejected or lost part of their former holdings. Some have become landless. Little or no change has occurred for the bulk of the ordinary tenants and landless labourers. The latter have received a negligible amount of the 'surplus' land expected from the abolition of *zamindari*.

The opportunity for substantial improvement in the agrarian and social structure afforded by the reforms seems to have been much less than anticipated. Fundamental progress depends, far more than had been realized, upon better administration and administrative officers, and upon greater co-operation and insistence upon their rights by the rural underdogs, who are still ruthlessly exploited. This is largely because of the widespread traditional acceptance of the old order, not least by the most wretched, poverty-stricken, and oppressed. The villages are still ruled by the *bara log*. Village organization and leadership remains unchanged. The former village autocrat continues to bully and intimidate as before, and it is he who becomes chairman of the co-operative society or *panchayat* – and what he says goes.

It is still too early to judge how the land reforms will influence future development. To my mind, when completed and more fully implemented, they will have removed some structural obstacles to progress, and hence will provide a better basis for future improvements. But the latter are unlikely to materialize unless policies which are more realistic (and hence successful) than those hitherto adopted are pursued in associated spheres, such as land utilization, co-operation, community projects, and the re-establishment of active and representative *panchayats*. To date developments in these spheres, except in certain progressive districts, do not appear to have been commensurate with the efforts and and expenditure undertaken. But even this would not suffice. Social and psychological changes, including the establishment of 'social democracy' in the Gandhian sense of a respect for humanity as such, are also essential. These wider issues cannot be discussed here. It can only be concluded that although land reforms may have been necessary, they are not sufficient to stimulate rural regeneration.

[15] Ed. N. V. Sovani and V. M. Dandekar: *Changing India* (1961, Poona), article by M. L. Dantwala: *Trends in Yields per Acre.*

The Freedom of the Borough

by E. J. O. Gardiner

Deputy Secretary of the Association of Municipal Corporations

The traditional rights of a freeman

One of the more memorable architectural features which catch the eye of the visitor to southern England is the old clock which projects over the High Street from the front of the Guildhall at Guildford. What is not often realized by those who see it is that this clock is, in fact, a monument to the importance which formerly attached to the possession of the freedom of a borough in England during the Middle Ages and Tudor times. There is little doubt that the clock is much older than the date, 1683, which appears on its case, but this only increases the probability of the traditional story of how it came into the possession of the town. It is said that, towards the end of the sixteenth century, a certain John Aylward, who was what was known in Guildford as a 'foreigner' because he came from another part of England, desired to set up his trade as a clockmaker in the town. Permission to do so was refused by the Gild Merchant because he was not Guildford born. The tradition goes that, being unable to pay the necessary fine or to obtain admission to the town on any other terms, he retired just outside what was the borough boundary, erected a workshop and made the large clock, presenting it to the governing body of the town who, in recognition of his gift, granted him his freedom. This done he was able to remove his shop into premises in the High Street not far from where the clock still forms such a notable landmark.[1]

This is a simple illustration of the former importance of being a freeman. There were wide variations of detail, particularly as to how the status of freeman of the borough was acquired, but it was almost everywhere the freemen – the free citizens or free burgesses – who were the basic class of the borough community. They alone might be members of the governing body of the town; if it was not a 'close' body recruiting, by co-option, new members to fill vacancies arising in its number, it was frequently the freemen of the borough who elected new members. More important to most people than their voting rights were their rights in connexion with trade. It was the freeman who had the main right to trade in the borough. "Protected from the intrusion and the competition of the alien, he paid a reduced toll for his merchandise at the entrance of the town; his stall in the market was rented at a lower price than that of the stranger; he had the first choice of storage room in the Guild Hall for his wool or leather or corn; the town clock which tolled the hour when the market might begin, struck for the burgher an hour or two earlier than for strangers and visitors. If a travelling merchant brought his wares to the town, the citizens might claim the right of buying whether the owner wished to sell or no, and might insist on a share in the profits of any mercantile venture. He alone might keep apprentices and become a master in his craft. If he travelled outside his own town for the purpose of trade, he carried privilege with him everywhere, and confidently claimed freedom from 'pontage' and 'passage', and 'pesage' and 'shewage' – that is from tolls for crossing bridges, for passing into a town, for the weighing

[1] *The Guild Hall of Guildford*, by G. C. Williamson, 1927; p. 5f.

of goods, for showing merchandise in the market – and from a host of similar imposts . . ."[2]

Having said this, it must be emphasized that it is impossible to generalize about such groups as were known as freemen or burgesses in the cities and boroughs of England and Wales before the reforms introduced by the Municipal Corporations Act of 1835. However desirable it may seem to do so, it is a hopeless task to attempt to extract general theories from the wide variety of different circumstances which existed in different cities and boroughs. The terms 'freeman' and 'burgess' themselves meant different things in different places. What they meant in any particular place depended in part upon the local charter or charters, in part on local custom and in part on local by-laws, in each case as interpreted for the time being under the practice of that city or borough. The Webbs in their exhaustive history of English local government between 1689 and 1835 quote Madox, who wrote in 1726, "the Kings of England having in several ages past granted divers liberties to their towns, it became in some cases doubtful what persons were entitled to those liberties, for men that lived together in a town were not all of a sort. There were townsmen and suburbians, and coinhabitants: some that were of the Gild or Gilds of that town and some that were not. Many were willing to have the benefit of the common liberties but were unwilling to have a share in the common burdens or payments."[3] The Webbs go on to remark that occasionally the membership or method of constitution of the governing body of the corporation was set out in the legal instrument by which it had been created or ratified, but the recruiting of the corporation, that is the admission of new freemen or burgesses and the extent of their participation in the corporate immunities and franchises, was seldom provided for except by local tradition, interpreted and amended by successive by-laws. Yet it was exactly the character of this membership, whether great or small, resident or non-resident, and how far it included or excluded one or other class or classes of the inhabitants that determined the working constitution and the nature of the administration of the couple of hundred municipal corporations throughout the kingdom.[4]

Conferment of the freedom of the borough

The commonest ways in which the freedom of the borough could be obtained were:–

(*a*) the freehold occupation of land or of certain parcels of land within the borough;
(*b*) apprenticeship for not less than a specified period to a master who was himself a freeman of the borough;
(*c*) birth, sometimes confined to the heirs-at-law of a freeman;
(*d*) marriage with a freewoman who might be the widow of a freeman or a freeman's daughter;
(*e*) purchase; and
(*f*) gift of the corporation.

Not all towns recognized all these ways of acquiring freedom and there were many local variants, qualifications and exceptions. Local custom also determined the nature of the admission ceremonies which often included the formal proof of the applicant's qualifications and the acceptance by him of the obliga-

[2] *Town Life in the 15th Century*, by A. S. Green, 1894; i, p. 182f.
[3] *Firma Burgi*, by T. Madox; p. 279.
[4] *English Local Government: The Manor and the Borough*, by S. and B. Webb, 1908; p. 292f.

tions associated with the status of freeman. The names of the freeman would usually be entered on the freemen's roll, and if a freeman lost his status by non-residence or was disfranchised for misdemeanour or default in the performance of his freeman's services, his name was struck off the roll.

The conferment of the freedom by purchase and by gift was clearly open to abuse, especially where the parliamentary franchise, as well as the municipal franchise, was exercised by the freemen of the borough ('free citizens' or 'free burgesses').[5] Accordingly, the Municipal Corporations Act, 1835, abolished purchase and gift as modes of acquiring the freedom, but the other methods, including apprenticeship, birth and marriage, were allowed to remain ways of becoming a freeman of a borough. Of course, in many places the ancient privileges associated with the status of a freeman no longer exist and even where some survive they are very largely curtailed. Nevertheless, there are some places where the tangible advantages still attaching to the status make it one to be sought quite apart from the honour of legal membership of the municipality. For example, in at least two of the wards of the ancient city of York, revenues from certain endowments are available for apprenticeships and similar purposes. On the other hand, it is unthinkable that the freeman of one of the older boroughs resorting to a market elsewhere in England or Wales would claim the right to trade there without payment of the appropriate market dues, by invoking the grant of some charter to his borough by Henry III or John!

It is difficult to trace the origin of the practice of conferring the freedom of the borough as a form of municipal honour. If, however, we look across the border to the northern kingdom we may note that Dr. Samuel Johnson was made a freeman of Aberdeen in the course of his tour through Scotland in 1773. However, outside the city of London, the conferment of such honours even if previously practised must have been discontinued following the provision in the Act of 1835 mentioned above, until it was given specific sanction fifty years later by the Honorary Freedom of Boroughs Act, 1885. This Act was repealed and re-enacted by s.259(2) of the Local Government Act, 1933, which provides:

> "The council of a borough may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, admit to be honorary freemen of the borough persons of distinction and any persons who have rendered eminent services to the borough: Provided that the admission of a person to be an honorary freeman of a borough shall not confer the right of sharing in the benefit of any hereditament, common lands or public stock of the borough or the council thereof, or of any property held in whole or in part for any charitable use or trust."

It will be observed from the proviso that in restoring the power to confer an honour, Parliament has been careful to ensure that no more than honour is done. The freedom so conferred carries with it no power to vote and no property rights.

The procedure for conferment and presentation of an honorary freedom

The procedure adopted in connexion with the conferment of an honorary freedom under this provision varies in detail as between one borough and

[5] It was suggested by a writer shortly before the Reform Act, 1832, that the power of granting freedom by purchase or gift enabled the corporate body to "make every man in the kingdom a burgess or voter, and thereby introduce universal suffrage". (E. Griffith, *Ancient Records Relating to the Borough of Huntingdon*; 1827; p. 8.)

another but in general the following may be taken as representing a normal practice. First, a meeting of the whole council is held under conditions of absolute secrecy to ascertain the first reaction of the members to a proposal to confer the freedom on a named individual or perhaps several persons. It is essential that secrecy be observed, as if there is any real opposition to such a proposal – even by a quite small minority of the members – it is usually abandoned; if this information were to leak out it might become an embarrassment. Next, if a favourable response is obtained from the council, the person on whom the freedom is proposed to be conferred is approached, again, in the strictest confidence, to ascertain whether he would be willing to accept the honour. If he accepts, arrangements are then made to call the special meeting required by the Act and to place a notice of motion on the agenda. If it is passed the council decides, for specified reasons (the citation), to confer the honorary freedom of the borough on the person in question. If the resolution is passed by the necessary majority, which should be a foregone conclusion having regard to the preliminary consultation of the council, it is customary for an illuminated copy to be engrossed on a vellum scroll.

A further meeting is then arranged at which the presentation of the freedom takes place. The arrangements for this meeting, which is usually held at a time other than a normal meeting of the council, are quite elaborate and involve not only the invitation of the council, but also of friends of the person whom it is intended to honour and distinguished people connected with local government in the area or who have some other special interest in the town. At this meeting the procedure is likely to be on the following lines. The town clerk reads the resolution as passed by the council and engrossed on the scroll. A spokesman or spokesmen on behalf of the council addresses those present outlining the merits of the new freeman and his services to the borough. The mayor presents the scroll, usually enclosed in a special casket, to the freeman who signs the freemen's scroll and then addresses the gathering to return thanks for the honour done him.

In many boroughs the honorary freemen, particularly those living within a convenient distance, are invited to attend the more important civic ceremonial occasions arranged by, or on behalf of, the council, such as the annual meeting when the mayor is elected, the mayor's banquet, the civic service at the parish church on 'mayor's Sunday', the conferment of the freedom on other distinguished persons, and so on.

The city of London, which was excluded from the provisions of the Municipal Corporations Act, 1835, has an unbroken right of conferring the freedom of the city in accordance with its ancient customs, and is not subject to the procedure laid down by the 1933 Act.

Conferment of freedom on regiments and service units

It will be seen from the foregoing that the freedom of the borough is essentially a personal honour conferred upon an individual. For this reason it is mistaken to attempt to confer the freedom on a body such as a regiment or some unincorporated association of which the membership is constantly changing. In more recent years, however, there has been a growing desire on the part of cities and boroughs in England and Wales to confer a somewhat comparable honour on particular groups such as the local regiment or other service units with special ties with the locality. For these reasons a new kind of honour has been devised especially for conferment on service units. It takes the form of

conferring the right to march through the town with flags flying, drums beating and bayonets fixed. This form of honour does not come within the provisions of s.259(2) of the Local Government Act, 1933, but in general the procedure outlined above is, with appropriate adaptations, followed. On the day of the conferment of the honour, which would be accepted by the commanding officer, the ceremony is likely to include a visit to the borough of a detachment from the regiment or other service unit, and its inspection by the mayor, followed by festivities of a more public nature than those which are usually associated with the conferment of the freedom on an individual.

Adoption of English practice in the Commonwealth

The idea underlying the conferment of the freedom of the borough is likely to be so universal that many cities and towns outside the United Kingdom have adopted or may wish to adopt the practice, even though the status of the freeman, which is a survival from medieval times in England and Wales, has no historical association in the country seeking to do so. How far the practice needs the backing of some statutory enactment must depend upon the legal position in the particular country into which it is sought to introduce it. The Honorary Freedom of Boroughs Act, 1885, was needed in England and Wales because of the negative provision of the Municipal Corporation Act, 1835, and it is certainly the case that many cities and boroughs have conferred the parallel honour on service units without specific statutory authority. On the other hand, as the conferment of either of these honours almost invariably involves the expenditure of public money, it may be that statutory backing is at least desirable, if not essential, where the functions of the municipality are generally defined by and dependent upon the statute or statutory order.

The power enjoyed by English cities and boroughs to confer freedoms has, in the view of the present writer, not been exported as part of the common law for the simple reason that the power itself, the conditions under which it was exercised, and indeed the status of freeman in boroughs have never been regulated by the common law but have always depended on local custom. The provisions of the Act of 1885 and of the Local Government Act of 1933 are not provisions of general application. They apply only to boroughs to which the provisions of the Municipal Corporations Act, 1882, apply. If in any of the charters granted to Commonwealth cities the provisions of that Act have in fact been applied, then their position is probably covered by the English legislation, but for the generality of municipalities in the Commonwealth who wish to do honour to distinguished citizens or others connected with their locality or their country, it will be necessary to decide whether this is something which can be undertaken without specific statutory authority or whether it is desirable to seek some legislative provision to cover it.

Local Government in Jamaica

by M. R. Rodriques[1]

Historical background

In 1655, the British captured Jamaica from the Spaniards. There are but few traces of the influence of Spain on the Island, and these are not significant. On the other hand, the influence of British rule has been far-reaching, and three hundred years of close association between the two countries have fashioned the life and thought of Jamaica and determined the nature and quality of its institutions. Schools and colleges, banks and the organization of business, government administration, trade unions, the system of justice and the concept of democracy bear the unmistakable stamp of British influence.

What is written above is true, to a great extent, of the local government institutions of the island. Here, as in Great Britain, local government functions through elected councils, committees and officials. In Jamaica, as now in Great Britain, the powers exercisable by local authorities are derived from legislation by the central Government, and they may be increased or diminished in the discretion of the legislature. Here, as there, problems sometimes arise respecting the delimitation of the areas of local government, and this applies not only to the geographical boundaries of individual authorities, but also to the distribution of functions between the central Government and the local authorities. In Jamaica, as in Great Britain, the principle of local rating is fundamental in local government financing. Grants are made to local authorities from the general exchequer, and controls of various kinds are exercised by the central Government over the local government bodies.

In theory, the advantages claimed for local government are the same in Jamaica as in Great Britain, but this does not mean that there are no important differences between the two countries in its administration. In Britain, for example, the system of aldermen still operates, but it was abolished in Jamaica more than a decade ago, and when it did apply it was confined to a single local authority. There, members of Parliament hold no *ex-officio* seats on the authorities, but in Jamaica members of the House of Representatives hold *ex-officio* seats on all save one local authority. In Jamaica, there is but one class of local authority, exercising all the functions of local government, but in Great Britain there are several classes of authorities, most of which exercise only a selected number of the functions of local government. Historically also there are differences, because in some instances local government emerged in Great Britain before the establishment of an effective central Government, or arose independently of it. In Jamaica, local administration owed its existence to central legislation from the outset. But the overall pattern which emerges upon comparison of local government in Jamaica with that in Great Britain is one of similarity.

Organization of local government

Jamaica is divided into fourteen parishes. Each parish is a local government area, and the local government authority for the parish, known as the Parish

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Council, administers all the local government services within its area like a county borough in Great Britain. This has been so for the past sixty years. The parishes of Kingston and St. Andrew are administered by a single local government body known as the Kingston and St. Andrew Corporation. There are, therefore, thirteen local government authorities in the island, each of which is a statutory corporation with a common seal. Parishes are divided into electoral divisions or wards, each electoral division returning one councillor to serve on the local council.

The social revolution

A significant change began in Jamaican society in 1938. The first organized political party (the People's National Party) was formed by Norman Washington Manley, Q.C., and was launched by the late Sir Stafford Cripps. Trade unionism was born and other workers' organizations began to appear. One immediate result of the rising spirit of nationalism was the grant of a new constitution to Jamaica in October 1944. The elections which followed were, for the first time, conducted on the basis of universal adult suffrage and the two-party system came into being.

Three years later, in 1947, universal adult suffrage was extended to local government elections. The time-honoured practice of having a single electoral roll for central and local government elections was established. The change had the effect of enfranchising nearly 500,000 persons who had not hitherto enjoyed the right to vote at local government elections. But this was not all; the older system of multiple-member electoral divisions disappeared and was replaced by a new system under which one councillor was returned for each of the newly established electoral divisions.

Nine years later the term 'member' was replaced by 'councillor' to indicate the person elected to serve on a local government authority. This, however, did not apply to the Kingston and St. Andrew Corporation where the term 'councillor' had been in use for many years. The additional title of 'mayor' was conferred upon the chairman of a local government authority in certain specified cases, and that of 'deputy mayor' upon the vice-chairman. Since then, three local authorities have enjoyed this improved prestige and others are likely to follow. The city of Kingston has had its mayor and deputy mayor for many decades.

The committee system

The committee system has grown with British local government and is one of its most characteristic features. In Jamaica, committees have been functioning in the sphere of local government for many decades, but it is only in recent years that all authorities have been operating through them.

Each local authority is required by an enactment of 1956 to appoint a finance committee. Prior to that date most local authorities appointed such a committee, but the appointment is now mandatory. The duty of the committee, expressed broadly, is to regulate and control the finance of the council. The finance committee consists of not less than one half the number of councillors of the council. Persons who are not councillors may be appointed to serve on committees, but this does not apply to the finance committee, on which only councillors may sit. In cases where non-councillors are appointed to committees, at least two-thirds of the members of every such committee must be councillors of the council.

The practice is becoming general whereby a committee is appointed to deal with services operated by a local authority, such as one each for water supplies, roads, poor relief, appointments and discipline and so on.

All the powers of an authority may be delegated, with or without restriction, to one or other of its committees, except for the following powers:–

(i) to fix a rate;
(ii) to borrow money;
(iii) to make regulations.

The committee system is still developing in Jamaica. Control of committees by the council, the delegation of powers and the evolution of the system along lines that impart to the individual committee member a sense of responsibility for the collective decision or recommendation of his committee, are some of the directions in which further development is proceeding apace.

Finance

The relationship existing at any time between the central Government and local authorities invariably influences the type of financial arrangements by which the local authorities operate. The converse is also true because the arrangements in force for financing the local authorities exert a powerful influence on the relationship between them and the central Government.

During the last fifteen years of the nineteenth century, the main characteristics of local government finance in Jamaica were the lack of uniformity of practice and of diversification of sources of revenue, and rigid central control. In 1900, a new Parochial Rates and Finance Law was enacted to standardize the practice of budget presentation, to establish a proper formula for rating, and to institute uniformity of practice in matters pertaining to all aspects of rating. This law is still in force, although it has been amended in a number of important ways. The latest amendments were made in 1956, when powers formerly exercised by the Governor and by the Governor-in-Council were transferred to the Minister for Home Affairs (who bears responsibility for local government), and the councils were empowered to transfer funds by application of the principle of virement.

In recent years the central Government has given much thought to ways and means of improving the whole structure of local government finance. The action so far taken indicates quite clearly a new and more liberal policy towards local authorities, which has been expressed by the minister in two recent communications; the first, a circular dated 15th November 1960, was issued to all local authorities, and the second, Ministry Paper No. 6 dated 22nd March 1961, was submitted to the legislature (see Appendix A). In the circular, which advised of new proposals for the financing of local authorities, the minister stated *inter alia*:–

> "The broad aim of the new financial arrangements is to free councils almost entirely from central government control over their budgets. This aim is to be achieved by determining the amount of the grant-aid that each parish will receive and informing the councils of the grants before their budgets are prepared. Councils will then be free to prepare their estimates of revenue and expenditure in the knowledge of the amount of the assistance which will be available from central government, and to fix parish rates on the basis of their own requirements, after reviewing the adequacy of existing rates and taking into account increases in the proceeds of these and other

rates and fees that may be expected as a result of economic activity in the parishes . . ."

The new proposals referred to by the minister resulted in the discontinuance of a number of *ad hoc* and other grants hitherto paid to local authorities, and the introduction of a new system for disbursement of grant-aid. This provides for two groups of grants:–

(*a*) *General assistance grants* – which consist of grants in lieu of rates on government-owned property, grants in relation to property tax collections, the proceeds of spirit licences, and 50 per cent. of the proceeds of motor vehicle licences (which is allocated on the basis of the mileage of roads maintained by each local authority).

(*b*) *Specific grants* – which are based upon approved expenditure, and are calculated as a percentage of expenditure on the following services:–

Poor relief – 75 per cent.
Public health – 100 per cent.
Water supplies – 50 per cent.

The grant-aid formula has been extended to cover expenditure of a capital nature (see Appendix B).

The changes represent a substantial gain for local authorities and a major improvement in the system which had been in force for many decades. The following advantages may be claimed for the new proposals:–

(*a*) the element of certainty is imparted to the whole process of budget preparation as the councils are now made aware, in good time, of the grant-aid which will be available in the ensuing financial year;

(*b*) the abolition of *ad hoc* grants and the insistence upon presentation of balanced budgets will assist local councils to develop a high sense of responsibility;

(*c*) the new system of grant-aid introduced by Ministry Paper No. 6 has resulted in a more equitable distribution of the total grant amongst the various authorities.

An important feature of the changes brought about during the past twelve months has been the degree of full consultation between the central Government and local authorities, on the basis of which the new formula has been devised. The steps already announced by the minister have accomplished important objectives and further improvements to the system of financing will follow, probably in the direction of more local autonomy.[2] The minister has recently invited local authorities to examine the working of the new arrangements in accordance with Government's policy of consultation before decision.

Recruitment

It is no exaggeration to regard recruitment and the training of staff as the most urgent problems that face local authorities in Jamaica. The primary difficulties of the local government service are related to initial recruitment, post-entry training, and the retention of qualified personnel in the face of increasing competition from industry and business in general.

The education standard required of clerks on recruitment is:–

(*a*) the Higher School Certificate; or

(*b*) the certificate of the matriculation examination of the University of London; or

[2] See Ministry Paper No. 6 of 1961 – Appendix A.

(*c*) the Cambridge School Certificate with at least a credit in English language and a pass in arithmetic; or

(*d*) an educational record of higher or equal status.

Five years ago the Government enacted legislation which introduced Local Government Services Commissions. These, the Municipal Services Commission and the Parish Councils Services Commission, were set up with similar functions, the one operating for the Kingston and St. Andrew Corporation, and the other for the parish councils. The functions of these bodies relate, *inter alia*, to the recruitment and training of many categories of local government officers, known as unified service officers, because officers of the parish councils who come under the jurisdiction of the Parish Councils Services Commission are transferable from one council to another.

Local authorities and their officers will bear full testimony to the magnificent work which the commissions are performing under difficult circumstances. Faced, however, with a progressively expanding local government service, and with keen competition from the Civil Service and from business undertakings, the commissions and the authorities have had to resort, in many instances, to the filling of vacancies by recruits possessing qualifications somewhat lower than the prescribed minimum.

The following are some of the main factors which contribute to the difficulties of recruitment:–

(*a*) many parents are unwilling to select local government as a career for their children, and prefer to choose business or the Civil Service. There is an opinion widely current, but largely unjustified in present circumstances, that those who work for local authorities have 'too many bosses';

(*b*) many young people leaving school or college to enter the labour market refrain from joining local government because it does not appear to them to offer the inducements which they associate with the central Government and with business undertakings. Several of those who accept posts with local authorities do so as a temporary expedient, pending their being able to secure other employment in the Civil Service, banks, airlines, or commercial undertakings;

(*c*) the demand for clerks and stenographers has risen sharply over the past few years due to expansion in business and in the activities of government. The supply has not kept pace with the demand, and for some years the gap between supply and demand has continued to widen. In the resultant competition for the services of this type of worker, local government has fared badly. Recently, however, evidence of a gradual reversal of this position has started to appear, for many of the youths who are receiving High School education under the new education policy are reaching school leaving age, and are entering fields of employment to adjust the balance between supply and demand;

(*d*) another reason lies deeper than those suggested above. For many decades, the top posts in government and in business were held by persons recruited abroad. For a long time this was inevitable, and both the Civil Service and business derived solid benefits from both local and foreign recruits. Those benefits will long be enjoyed in the form of an efficient and impartial Civil Service and in the practice of honourable dealing which is an important feature of organized business in Jamaica. Both the Civil

Service and business houses, over the years, attracted to themselves a prestige rating unrelated to the efficiency and integrity on which preferment could properly have been justified. This prestige rating was vicariously associated with the presence of a relatively large number of foreign recruits. On the other hand the local government service, except in the rarest cases, has always been staffed by persons recruited locally, and it has enjoyed salary and wage rates lower than those that were paid for comparable work in the Civil Service. This helped to lend credence to the false notion of a 'second rate' service in local government. This erroneous assessment long persisted, and still exercises some influence on recruitment to the staff of local authorities. It has been a great testimony to local government in Jamaica that under those conditions it has been able to develop amongst its officers some of the best servants that the public ever had. For decades the system of education did little or nothing to correct the fallacy but now, and for some time past, the Government and other agencies within the State have been working hard to put these matters in their proper perspective through a vigorous and enlightened programme of education, not only in the schools and colleges, but throughout the community. An impressive measure of success has already been achieved, and much more will doubtless be accomplished as the country continues to progress towards nationhood.

Training

The late Dr. L. C. Hill, C.B.E., a former Secretary of the National Association of Local Government Officers who visited Jamaica in 1942 at the invitation of the Government, first focused attention on the need for post-entry training of staff, the increasing emphasis on which is one of the healthiest features of local government at the present time. Dr. Hill's report on the qualification and training of staff is a model in this field. Following it, several senior officials were sent abroad on scholarships which provided for academic training at one or other of the universities, and for attachment to local authorities in Great Britain. Subsequent to 1956, students for training abroad have been selected by the commissions mentioned earlier. For the past three years, two scholarships in administration have also been awarded annually under a scheme, the headquarters of which are at Queen Elizabeth House, Oxford, for the training of senior local government officers in Commonwealth countries.

The death of Dr. Hill, soon after the conclusion of the 1961 course, is an irreparable loss to students of local government throughout the Commonwealth, for Dr. Hill has been widely known and acknowledged as an authority on this subject. It will have been obvious to all who came under his influence that this versatile and dynamic person had much to contribute and impart from his wealth of experience and knowledge, and that his broad human interests and deep sympathies, coupled with a passionate love for local government, made him an ideal tutor.

With the establishment of a department of government at the University College of the West Indies, in which Professor Brian Chapman of Manchester University played an important part, additional facilities have now been provided at home for the training in administration of promising young local government officers. Of six students admitted during the first year, 1960-61, two were local government officers from Jamaica, and two more places have been secured for the 1961-62 course. Selection is on a competitive basis.

Since 1960 two summer schools have been conducted at the University College of the West Indies under a training scheme initiated by the Jamaica Association of Local Government Officers, with the co-operation of the Local Government Services Commissions, the local councils and the Extra-mural Department of the University College. It is intended that this should continue as an annual arrangement and, in order to facilitate development of a full scale training programme, the Jamaica Association of Local Government Officers has recently extended its organization to include an education committee which is working in conjunction with the other bodies mentioned.

Jamaica Association of Local Government Authorities

In 1928 an Association was formed, embracing all local government authorities in the Island. It has fully justified its existence during the last thirty-four years for these reasons:–

(*a*) it has provided a forum for discussion of many matters which are of common concern to the local authorities;

(*b*) the Association channels the present noticeable trends towards uniformity of standards and practices along lines calculated to produce the greatest good to all the authorities concerned. Joint consultation is an improvement on the former practice whereby each authority, acting independently, worked out its own salvation;

(*c*) much of the business of the authorities relates to consideration of submissions to and from the departments of government. This includes discussion of proposed legislation and of subjects that are considered appropriate for new legislation. The Association facilitates presentation of the united views of the authorities to the central Government. Expressed through a single channel, these are likely to be more effective than the views of a single authority, and time is saved because the central Government does not have to deal with the authorities separately;

(*d*) as local authorities are among the largest employers of labour in the country, they must be concerned with employer–employee relationships, including the discussion of conditions of service; as an important function of an officers' association is to deal with employers, it is important that the employers should also be organized in order to facilitate intelligent and effective negotiation;

(*e*) by organizing themselves into an association, the local authorities have checked undue parochialism which may arise from the day to day attention to local matters;

(*f*) the exchange of views which the Association encourages and facilitates among local authorities is good training for councillors, many of whom regard their service on local authorities as an apprenticeship leading to service in the Island's legislature. Indeed, several of the Island's best legislators have been active members of the Association.

Jamaica Association of Local Government Officers

Twenty-one years ago the Jamaica Association of Local Government Officers was formed, patterned after its British counterpart, NALGO, which supplied much of the impetus and inspiration that resulted in the establishment of JALGO. During November 1961, the Association observed a week-long celebration of its coming of age. The celebrations ended with a banquet at which the Premier of Jamaica was the chief guest and a local government beauty queen, 'Miss JALGO 1961', was crowned.

An association such as JALGO may lay claim to the following advantages:–

(*a*) it provides machinery for regulating the relations between officers of the local government service and between them and their employers, the local government authorities;

(*b*) improvements can be effected in the conditions of service of officers, and their interests protected much more than would be the case in the absence of an association;

(*c*) the legislature and government departments have an avenue for conferring with, and ascertaining the views of persons engaged or interested in local government, and it provides a channel for discussion and co-operation between government departments and local authorities on matters affecting local government and its officers;

(*d*) machinery is provided for considering Bills introduced into, and for taking cognizance of questions raised in, the legislature or local government authorities where the interests of local government officers or the principles of local government are affected. Similarly, petitions may be submitted to the central Government or to one or more local authorities, and deputations to these bodies promoted to consider matters affecting the officers or any group or groups of them;

(*e*) the Association is a means of diffusing information of concern to local government and its officers;

(*f*) schemes for financial assistance to officers and their dependents in the event of sickness or death may be established and operated, and thrift encouraged among members of the Association;

(*g*) when employers are organized, employees should also be organized in their own interests. An organization of local government employees is the counterpoise to an organization of local government authorities.

The future of local government in Jamaica

In Ministry Paper No. 6 of 1961, the policy of the central Government towards local government has been reaffirmed in terms that will find favour among all local authorities and the country as a whole:–

> "Central Government recognizes the importance of preserving and stimulating the system of local government".

The fact that Jamaica will, very soon, attain full independence within the British Commonwealth underlines the importance of this pronouncement. An independent Jamaica will be called upon to assume new duties and increased responsibilities, new and wider horizons will be set, and new stresses and strains will emerge alongside new and larger opportunities for the country to play its part in the world. Local government can supply much of the dynamic force demanded by the new situation which will confront the country.

Local government means local self-government. This may be an idea but it can be attained. It is in the active day by day practice of self-government at the local level that a high sense of responsibility may best be fostered. Improved methods and practices aimed at increased efficiency, and a planned programme of public relations, are matters that are likely to receive high priority in the scheme for further improvements. Some central control will still be necessary but many of the existing controls will need to be relaxed to enable the local authorities to operate in an atmosphere of increased independence, consistent with the new status of the country.

APPENDIX A

Ministry Paper No. 6 of 1961

The following extract is from the statement on the new financial relationship between central Government and local authorities in Jamaica:–

"Government has for some time been considering how best to reorganize the system of financing local authorities in order to place the authorities in a position to exercise more autonomy in the management of their affairs.

Local authorities have a wide range of responsibility for matters which directly concern everyday needs and amenities for the people. The old system, however, was not sufficiently flexible to permit the authorities to plan the development of services in the certainty that revenues – including grant-aid from central Government – would be forthcoming at the required level. In practice the real weakness was that the components of the grant-aid were such that annual increases of any significance could not be anticipated unless parish rates were increased fairly substantially. Moreover, the amount of grant-aid for a particular year could not be ascertained with any precision until details of the authorities' expenditure estimates were approved by central Government. The effect of the system was to make the local authorities too dependent on central Government for financial assistance in order to balance their budgets.

2. Central Government recognizes the importance of preserving and stimulating the system of local government. If these aims are to be achieved with any success, the authorities must exercise freedom and responsibility in the fields of local taxation allocated to them; and they must know at the time of preparation of their budgets the precise level of central Government's assistance. They would then be able to plan and prepare their expenditure budgets in the full knowledge of available revenues and what additional revenues, if any, would have to be raised by increased taxation in order to present balanced budgets for the approval of the minister.

3. The problem has been very carefully examined and new arrangements for financing the authorities have been introduced as from 1st April 1961. In working out these arrangements it has been recognized that it might not be possible to devise a formula which would immediately establish an equitable basis for distribution of grant-aid between the poorer parishes on the one hand and the wealthier ones on the other, and at the same time create conditions in which the poorer parishes would be able to exercise greater responsibilities in the management of their affairs. The formula which has been devised comes as close as possible towards satisfying these conditions.

4. *General principles:* Local authorities will adopt the modern practice of distinguishing between capital and recurrent expenditure. Their budgets for 1961-62 and future years will therefore provide for all items of capital works for which they are responsible and accountable. The exception is major water supplies. These will continue to be provided for in the central Government's estimates.

Amongst recurrent services, authorities will, for the purpose of central Government grants, distinguish between:–

(*a*) those capable of being self-balancing, i.e. services against which particular revenues can be identified and for which revenues equivalent to expenditure could possiby be raised; and

(*b*) those services not capable of being identified with particular revenues. Self-balancing services will include fire-protection, street lighting, markets and slaughter houses. It will be the responsibility of the authorities to decide whether to impose rates or fees sufficient to meet recurrent expenditure – including debt charges – on these services, or to meet deficits out of the proceeds of parish rates. No grants from central Government will be forthcoming for the maintenance of these services. The services at (*b*) will include general administration, debt charges (excluding charges on loans related to self-balancing services), pensions, subventions, road maintenance, poor relief, public health, special expenditure, reserves and water supplies. The last named item would normally be classified as self-balancing but will be treated initially as a general service item for the reasons explained in paragraph 8 below. Finally, authorities will be required to present balanced budgets . . ."

APPENDIX B

The following table sets out the new arrangements for financing capital works:–

Items in estimates.	*Capital grant from central Government.*	*Loan finance from central Government.*	*To be financed from local authorities' revenue.*
	Percentage of expenditure		
(*a*) Minor water supplies ...	50	50	—
(*b*) Catchments and tanks ...	50	50	—
(*c*) Heavy equipment (lorries, motor rollers, etc.)	—	100	—
(*d*) General amenities	—	100	—
(*e*) Market improvements or additions	—	100	—
(*f*) New roads	100	—	—
(*g*) Improvements to existing roads	75	—	25
(*h*) Drainage and storm damage control	50	50	—
Items to remain in central Government's estimates (funds to be expended by or on behalf of local authorities):			
(*i*) Construction of major water supplies	50	50	—
(*j*) Alms houses (improvements and new buildings)	100	—	—

International Technical Co-operation—2

SOURCES OF AID OTHER THAN FROM THE UNITED KINGDOM

AN ARTICLE[1] in the last issue of this Journal described the structural organization of the various international, Commonwealth and regional bodies concerned with technical co-operation. This article follows it by describing some of the main sources of aid and technical assistance, other than the United Kingdom, from which the British dependent territories benefit or have benefited in the past.[2] It does not set out to be a comprehensive directory to all existing sources of aid; in particular there are many countries other than those whose aid is briefly described here who give substantial amounts of aid, and their omission means only that for the most part the British colonial territories have not been among the recipients.

The sources and main conditions of aid described are international ('multilateral'), Commonwealth and foreign. For convenience *money* and *technical assistance* are considered separately although a rigid distinction is not always possible. Aid from private Foundations is mentioned briefly at the end of the article. No description is given of the help available from other private organizations and individuals, such as Voluntary Service Overseas or the British Red Cross Society in the United Kingdom.

SOURCES OF MULTILATERAL CAPITAL ASSISTANCE

International Bank for Reconstruction and Development (**IBRD**)

IBRD (commonly known as the World Bank, the headquarters of which are in Washington; the President is Mr. Eugene Black) lends towards the external costs of specific projects of an economic nature which are designed to contribute directly to productive capacity. (The Bank has, on at least one occasion, in the case of Norway, made a loan for local costs). It does not finance community projects of a primarily social character, such as water supply schemes, and is usually prepared to consider lending only to substantial projects costing £1 million or more. The Bank derives its funds from the subscriptions of member countries, from borrowing on the various capital markets of the world, from its own net earnings and by sales from its portfolio. Before lending, it appraises the credit-worthiness of the prospective borrower by undertaking a review of the economic situation and prospects of the territory, and it also considers the relation of the specific project for which assistance is sought to the territory's economic needs, as well as making a technical examination of the project. The Bank lends at market rates of interest related to the cost of borrowing; as a result of a substantial loan from the German Central Bank, the World Bank has been able in the last year to reduce its rate of interest and is now able to lend at $5\frac{3}{4}$ per cent. on a long term.

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[1] *J.L.A.O.*, Vol. I, No. 1, p. 47.

[2] As stated above, the article does not deal with United Kingdom assistance, the forms of which are described in the White Papers on *Assistance from the United Kingdom for Overseas Development*, published in March 1960, as Cmnd. 974; and *Technical Assistance from the United Kingdom for Overseas Development*, published in March 1961, as Cmnd. 1308. The latest figures of United Kingdom assistance are given in the *Annual Abstract of Statistics* published in November 1961. A further White Paper on the work of the Department of Technical Co-operation will probably be published soon after this issue of the Journal.

Bank loans are not tied to procurement from any special source. The Bank is only able to make a loan to a member government, or a loan which is guaranteed by a member government. The colonial territories are not members of the Bank in their own right but have access to it through the United Kingdom's membership. The Bank therefore treats the territories as subordinate parts of the United Kingdom and requires a British government guarantee for a loan to a British colonial government. The British Government has powers under the Colonial Loans Act, 1949 and 1952, to give guarantees for International Bank loans only. There is no legislative authority under which they could guarantee any other type of loan raised by a colonial territory, including loans from the International Development Association.

International Development Association (**IDA**)

IDA, which has the same management and staff as IBRD, to which it is affiliated, was set up in September 1960 to provide loans on terms which bear less heavily on the balance of payments than conventional loans. Like the Bank, the Association considers relatively large schemes of economic importance, but in addition it will also lend for social projects, such as water supply schemes, provided they are also of 'high developmental priority'. The Association's examination of a project is as thorough as one carried out by the World Bank; the determining factor whether a scheme is suitable for IBRD or IDA assistance is the foreign exchange position of the prospective borrower and not the viability of the project. Thus the Association will lend only to those countries which are unable to service loans on conventional terms, though some projects may be financed jointly by IBRD and IDA. IDA may in special cases lend for local costs. Loans may be for as long as 50 years, interest-free, with a service charge of $\frac{3}{4}$ per cent., with a 10-year moratorium on repayment and amortization at 1 per cent. for the next 10 years and 3 per cent. thereafter; the terms, however, will depend on the scheme concerned. Loans are untied. As in the case of the Bank, the colonial territories are not members of the Association but have access to it through Britain's membership. If a loan is made to a body other than a member, the Association may in its discretion require a suitable guarantee, but the British Government has placed on record its expectation that loans will be made to colonial governments without a guarantee.

International Finance Corporation (**IFC**)

IFC is also affiliated to IBRD, but has a distinct and separate legal entity. The Corporation's objective is to further economic development by encouraging the growth of productive private enterprise particularly in less developed areas. It will engage in financing operations in association with private investors who would be expected to put up more than half of the capital required. Its investments are in predominantly industrial enterprises (e.g. manufacturing, processing, mining). It does not engage in ventures of a primarily social nature. IFC does not have a policy of uniform interest rates, which are negotiated in each case in the light of all relevant factors. The Corporation normally defers the commencement of amortization payments to allow time for the project being financed to come into profitable operation. The usual range of maturities for IFC loans is from seven to fifteen years.

Commonwealth Capital Assistance

Canada

Canada is the only Commonwealth country apart from the United Kingdom which regularly provides aid in the form of cash grants or loans, although Australia and New Zealand have also given some financial help under the Colombo Plan. Of the British dependencies, the main beneficiaries are the West Indies and the countries in the Colombo Plan area (including Singapore, Sarawak, North Borneo and Brunei). In 1958 Canada agreed to supply the West Indies with aid of $C10 million over five years, in technical help and in goods and services which must be of Canadian origin. This money is grant and not loan aid. It is also possible that some financial aid may be given under SCAAP to dependent territories (see below). This is expected to be tied, if given, to Canadian goods or services.

Special Commonwealth African Assistance Plan (**SCAAP**)

Assistance under the Plan is described later in connexion with Commonwealth sources of technical aid.[3]

Foreign Capital Assistance

Federal Republic of Germany

The West German Government has announced a programme of DM.5.0 billion (somewhat over £400 million) of direct government aid to less developed countries during 1961 and 1962, of which DM.4¼ billion is bilateral aid and DM. ¾ billion multilateral aid. The Federal Government is also seeking powers to enter into commitments totalling DM.25.0 billion over the next ten years, which is the same order of magnitude as the DM.5.0 billion promised for 1961-2. Aid will not be tied to the purchase of German goods and services and will normally be linked to specific (and carefully vetted) projects, though aid for more comprehensive development programmes is not excluded. Finance will probably normally be limited to the foreign exchange costs of a project. Terms and conditions of lending will tend to follow commercial terms for purely commercial projects, but will be more generous for infrastructure projects, depending largely on the situation of the developing country. Aid is intended primarily for independent countries which are prepared to create good starting conditions through their own efforts. It was announced in September 1961 that the Federal German Government had agreed to provide financial aid for development in Tanganyika and Kenya.

United States

The main agency for lending money is the Agency for International Development (AID), which replaces the old ICA and has a wider range than its predecessor. Loans are in practice made primarily to finance American exports (goods and services) needed for the scheme in question. Loans or grants may also be made to assist towards local expenditure by the provision of funds which are 'tied' to the import of United States goods and services (not necessarily connected with development) in order to generate corresponding amounts of local currency for local expenditure on development. At present the terms are

[3] See p. 119.

relatively 'soft' (interest, for example, may be at 3½ per cent. or less and the length of loan 20 or even 50 years). 50 per cent. of all goods bought must be imported in United States ships.

Surplus agricultural commodities arising from American domestic farm policy are made available under *Public Law* 480. Outright gifts of food can be made to meet emergencies, such as famine, drought, cyclone or hurricane damage, and the United States normally pays international transport costs. This law also provides for the sale of surplus commodities, payment being made in the local currency of the recipient country. Up to 50 per cent. of the proceeds may be used for economic and social development schemes, and the remainder has to be used for American purposes and the promotion of United States business. Aid under this law may be given only if it does not displace or otherwise interfere with normal trade and supplies. The attitude of the Commonwealth generally is shown in the following extract from the Report of the Commonwealth Trade and Economic Conference at Montreal (Cmd. 539):–

> "51. Excessive protection can lead to the building up of surpluses. Care has to be taken when these are disposed of in world markets on non-commercial terms so as not to cause harm to the legitimate interests of traditional suppliers. We recognize that non-commercial disposal can help to improve the living standards of the less developed countries. We think, however, that such transactions call for adequate consultations between the governments affected in order that the legitimate interests of all the parties may be safeguarded to the greatest possible extent."

Another United States Federal Government agency engaged in international finance is the Export–Import Bank of Washington. Its purpose is to assist, support and encourage the overseas trade of the United States by financing specific exports of United States agricultural or manufactured products or by financing the purchase of American equipment and materials required for specific use in development projects. Rates of interest are related to the prevailing commercial rates in the United States.

SOURCES OF TECHNICAL AID

International

International Bank for Reconstruction and Development (**IBRD**)

IBRD is prepared to send survey missions to carry out a full study of a country's economy and the possibilities of future development. The cost of these missions is usually shared between the Bank and the receiving country. The Bank has also recently established a development advisory service designed to provide a corps of expert talent available to member countries for the purpose of providing financial and economic advice especially in the preparation and execution of development plans. Members of this service will be lent to governments to work within the government service of the country concerned.

Economic Development Institute

The Institute was set up by IBRD in 1955 to improve the quality of economic management in government in the less developed territories. It is essentially a staff college for senior officials dealing with economic and financial matters,

and applications for training places are invited from interested countries from time to time, usually each year.

United Nations Special Fund

Apart from large-scale pre-investment surveys, mentioned in the previous article,[4] the Fund also provides aid for research and training institutes, other surveys, technical and (in some cases) secondary education, and teacher training. The Fund will pay for the necessary experts and equipment for several years, but will not contribute to bricks and mortar. Execution of schemes is usually given to one of the U.N. agencies or to the U.N. itself; the Fund does not simply hand the money over to the government concerned, but a detailed plan of operations is prepared for each scheme which specifies the relations between the authorities.

United Nations Expanded Programme of Technical Aid: Regular Programmes of the U.N. and some Specialized Agencies

The aid which the United Nations and its agencies can give is mainly in the form of experts and training overseas. Equipment and supplies which are not available locally can also sometimes be provided, but they must be an integral part of the relevant project, and also not of a kind which governments would usually supply.

The country receiving aid must bear a proportion of the costs; for example, for exports supplied under the Expanded Programme, a sum of about 12½ per cent. of their total cost (the rules are too complicated to set out briefly here) is payable, and under the OPEX scheme countries must contribute the full cost of what an equivalent local officer would receive.

The bodies concerned with aid are the principal Specialized Agencies (WHO, UNESCO, ILO, FAO, ICAO, ITU and WMO) and the U.N. itself, which works mainly through its Bureau of Technical Assistance Operations (TAO) in the Department of Economic and Social Affairs (ECOSOC). The organizational structure of these was described briefly in the earlier article[5].

The ordinary costs of the agencies and the U.N. are met by contributions from members based generally on fixed percentages. From these 'regular budgets', the U.N. and several of the agencies carry out what are known as their Regular Programmes of Technical Assistance. By far the largest of these Regular Programmes is that of WHO, but generally they are too small to make country programming procedures possible.

The Expanded Programme of Technical Assistance was originally, as its name suggests, superimposed upon the Regular Programmes and is financed from voluntary contributions by U.N. members. (But in many cases the regular budget, being now much smaller than the Expanded Programme, is used to supplement Expanded Programme arrangements). The Expanded Programme is administered by the Technical Assistance Board (TAB), which is responsible to the Technical Assistance Committee of the Economic and Social Council. (This Committee also supervises the Regular Programme). All the Agencies participate in the Programme and are represented on TAB, which has an independent executive chairman appointed by the Secretary-General (at present Mr. David Owen).

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[4] *J.L.A.O.*, op cit, p. 54.
[5] *J.L.A.O.*, op cit, pp. 49-51.

The present estimate of the whole Expanded Programme for the two years 1961 and 1962 is $70,983,000, of which $40,900,000 will be spent in 1961. By far the largest part of this is allotted to different countries or territories, for each of which a 1961-62 Country Programme has been approved.

In the past the Expanded Programme has not been broken down solely in terms of countries; it has also been largely allotted in terms of the agencies and the U.N., but the Economic and Social Council terminated this aspect of the arrangements in the summer of 1961. This should overcome the difficulties whereby a country could request alterations in its approved Country Programme within the general limit of its allocation, but could not easily switch the contents between one agency and another.

A percentage of the Expanded Programme is kept in reserve for use as a Contingency Fund by the chairman of TAB during the planning period (7½ per cent. in 1961). Applications for help from this Fund can usually only be made for experts and equipment, and not for training fellowships, which are expected to be met from savings. They must be prepared in the usual way, after consultation with the agency concerned when appropriate, and submitted through the same channels as ordinary applications for Expanded Programme help. The need must be urgent, the urgency should be explained and the relationship with ordinary development plans set out. The application must say why costs cannot be met from savings in the Country Programme, what continuing commitments will be created, and how these commitments are to be met. Finally, the applicant should be prepared to show if asked (since the amount which can be allotted to one country from the Contingency Fund is limited) that there are not still more urgent needs which should have preference.

Notes on the scope and extent of the programmes of the agencies and of TAO follow below.

Food and Agriculture Organization

Expanded Programme, 1961: $10,569,053.

FAO has in the past had no Regular Programme as such. It has financed visits and other activities, however, by its officials and others from its regular budget ($21,536,850 for 1961-62).

World Health Organization

Regular Programme, 1961: $18,545,000.

Expanded Programme, 1961: $6,912,445.

In addition, WHO expected to spend in 1961 $6,430,000 from their special Malaria Eradication Account, which is financed from voluntary contributions by WHO members, and $23,479,000 from other sources, including the United Nations Children's Fund (UNICEF).[6] WHO budgets are prepared regionally by their regional offices, in consultation with the territories concerned.

United Nations Educational Scientific and Cultural Organization

Regular Programme, 1961-62: $23,671,125 (1961 est. $11,802,722).

Expanded Programme, 1961: $6,593,104.

The figure quoted for the Regular Programme 1961-62 is that part of

[6] UNICEF's contribution was described in the previous article: *J.L.A.O.*, op cit, p. 52.

UNESCO's total Regular Programme and Budget (appropriation for 1961-62–$32,513,228) which covers 'Programme operations and services'. The 'Programme operations and services' are sub-classified under the various departments of the UNESCO Secretariat, and include relevant headquarters' expenses and activities as well as actual technical assistance to member States.

International Labour Organization

Regular Programme of Operational Activities, 1961: $480,000 (est.).

Expanded Programme, 1961: $4,274,019.

Some three-fifths of the $480,000 mentioned above is under a sub-head 'Labour and social assistance' and will be used to complement what is done under the Expanded Programme and other arrangements. It meets needs which arise at short notice. Just over $100,000 was allocated to Workers' Education and there was a small Internships Programme. (It should be noted that not all of the operational activities of ILO are directed to under-developed countries).

International Civil Aviation Organization

Expanded Programme, 1961: $1,534,750.

ICAO has no Regular Programme. It finances visits and other activities by its officials from its ordinary budget ($C4,880,446 in 1961).

International Telecommunication Union

Expanded Programme, 1961: $804,465.

ITU has no Regular Programme, but its consultative committees may study the requirements of new and developing countries in the field of regional and international telecommunications and, on request, offer advice about national telecommunications problems.

World Meteorological Organization

Expanded Programme, 1961: $636,622.

WMO has no Regular Programme, but has an Operational and Technical Development Fund ($60,000 for 1960-63) financed from its budget ($2,694,484 for 1960-63) to assist in rectifying deficiencies in the pattern of world-wide and regional meteorology, and the development of meteorological activities of international meteorological importance.

United Nations: Bureau of Technical Assistance Operations

Regular Programme, 1961: $1,213,200.

Expanded Programme, 1961: $8,806,838.

TAO operates broadly in the area which falls to none of the Specialized Agencies, and mainly handles requests for help in public administration, economic development, social affairs, and narcotics control. The Bureau prefers to receive Regular Programme requests at the same time as applications for the Expanded Programme if possible, but can sometimes accommodate with the Regular Programme projects of high priority and urgency which it has been impossible to include in the Expanded Programme.

The OPEX Scheme

OPEX is a programme, begun in a modest way in 1959, for supplying civil servants for operational, executive or administrative, as opposed to advisory purposes. OPEX staff can be employed in any field, including those covered

by the Specialized Agencies. OPEX applications are dealt with in New York by TAO and the Division of Public Administration jointly, both of which are part of the Department of Economic and Social Affairs (ECOSOC).

OPEX is financed from the U.N. regular budget. The amount involved was only $300,000 in 1960; in 1961 it was $850,000. Receiving governments have to pay the normal salary of the officer's post (that is what a national of the country would receive), and the U.N. meets the difference between this and the total emoluments of the officer as a U.N. expert. Appointments are for only one year at first, although renewal for a further year at a time, up to five years in all, is possible if necessary. OPEX appointees must have included in their duties the responsibilities of training local staff to succeed them.

OPEX is on a very small scale compared with the arrangements made by the British Government to supply overseas officers under the Overseas Service Aid Scheme and to meet part of their cost in most dependent and some independent Commonwealth countries.

Freedom from Hunger Campaign

This campaign was started by FAO in November 1959. It is run by special national committees in each of the FAO member countries and spreads over the five years to 1965. The administration of the campaign is paid for by FAO, but the committees are responsible for collecting and spending money on actual schemes to improve the production and use of food. The aim of the Campaign is to focus attention upon, and to try to solve, the problems of hunger and malnutrition in the poorer countries. Apart from schemes (which can include both financial and technical aid), the Campaign will carry out research and information work. The British National Committee's chairman is the Earl De La Warr, and its address is 17 Northumberland Avenue, London, W.C.2. Other committees can be approached direct or through FAO in Rome.

Commonwealth

Special Commonwealth African Assistance Plan (**SCAAP**)

The Plan was initiated at the meeting of the Commonwealth Economic Consultative Council (CECC) in September 1960, in order to focus attention on the efforts of members of the Commonwealth in assisting Commonwealth countries (including dependent territories) in Africa and to help further in meeting their needs for assistance. Under the Plan, Commonwealth Governments provide both money and technical assistance, bilaterally and by increased support of existing international organizations. CECC reviews annually the progress made. The Plan is beginning to get under way. So far the following intentions have been announced:–

Australia

The Government announced in February 1961 that it was prepared, with effect from 1961-62, to contribute technical assistance under the Plan up to a maximum of £A200,000 a year, provided Australia could give so much aid without interfering with her commitments to South-east Asia under the Colombo Plan, which would continue to receive priority.

Canada

The Minister of Finance announced in September 1960 that the Government of Canada would set aside $10½ million for aid under the Plan, over

a three-year period beginning from 1961-62, to be spent at the rate of $3½ million a year.

New Zealand

The Government has indicated that it would be prepared to make aid available amounting to £100,000 per annum under the Plan.

In response to an enquiry from the British Government, many Commonwealth Governments have offered to extend their technical assistance facilities under SCAAP to British dependent territories. Thus, Canada has indicated that in 1961-62 it is prepared to allocate $500,000 or more to British dependent territories out of its $3½ million for SCAAP, and Australia, Ghana, New Zealand, Nigeria, Malaya, and Ceylon have said that they would be prepared to provide technical assistance of various kinds.

Colombo Plan

The Colombo Plan[7] began with a meeting of Commonwealth Foreign Ministers in January 1950, when a consultative committee was set up. The member governments each drew up six-year development plans. Originally all members belonged to the Commonwealth; today there are 19, ten of which (including the United States) are not members of the Commonwealth. The purpose of the Plan is to stimulate systematic and orderly development in south-east Asia, and member countries contribute under it both in money and in technical aid. A small bureau exists to encourage technical co-operation and provide information about the Plan, but it is essentially a vehicle for bilateral aid arranged directly between members.

The help received by the different countries in this way has varied enormously in relation to their size and needs. In 1960-61, at one end of the scale, India received $647 million in financial aid and $8 million in technical aid from the United States alone. At the other end Brunei, which with Sarawak and North Borneo takes part only as a dependent British territory, had received £16,965 in aid over the whole period up to the 30th June 1961.

In 1960-61 Australia gave £1.25 million in technical aid under the Plan, Canada £580,000, New Zealand £337,000, Japan £237,000 and Britain £1.14 million. This excludes financial aid which is not classed as 'technical'.

Commonwealth Education Co-operation

Certain schemes of Commonwealth education co-operation derive from the first Commonwealth Education Conference in July 1959. They are:

(*a*) Commonwealth Scholarship and Fellowship Plan, under which over 500 scholarships, normally for post-graduate study, have been offered by other Commonwealth Governments.

(*b*) Commonwealth Teacher Training Scheme, under which places for teacher-training are made available by donor countries.

(*c*) Commonwealth Supply of Teachers Scheme, under which assistance is given in the recruitment of teaching staff for service overseas in the Commonwealth.

(*d*) Technical education: donor countries hope to make places (or more places) available for overseas students in technical institutions.

[7] Further information about the Plan is contained in *Technical Cooperation under the Colombo Plan*, H.M.S.O., 1961.

Other Canadian Aid

Apart from Canadian aid to the Colombo Plan area in 1961-62 (about $50 million) and aid under SCAAP ($3½ million, of which $500,000 was set aside for British dependent territories in Africa and for Mauritius), Canada is giving aid to the West Indies of about $1.5 million. Under the Commonwealth Education Co-operation Scheme she is contributing $1 million, and some help is available to other dependent territories not included in the Colombo Plan, SCAAP or the West Indies aid programme. This is about $120,000.

Foreign

Foundation for Mutual Assistance in Africa (**FAMA**)

FAMA is the technical aid scheme of the Commission for Technical Co-operation in Africa (CCTA). All members of CCTA belong, that is virtually all the countries in Africa south of the Sahara, and it is supported by the United Kingdom, France and Belgium. Technical aid can be sought through the FAMA Secretariat by any British territory in the CCTA area from any member other than Britain. (The United Kingdom does not give assistance to British dependent territories through FAMA, but does so direct). FAMA has, however, limited funds at its disposal. The office of FAMA is at P.M.B. 2359, Lagos, Nigeria.

United States

Development grants authorized under the 1961 Act for International Development include the appropriation under which the United States previously gave technical assistance, and are to be given "with emphasis upon assisting the development of human resources through such means as programs of technical co-operation and development". Where these grants include capital aid to less developed countries, such aid is to be given primarily to develop "education and human resources". For the most part, therefore, these grants will be either for technical assistance, or for a mixture of technical and financial aid towards education and training schemes. Grants are subject to the same general conditions, such as self-help by the receiving country, as loans towards development programmes. In practice it will probably be easier to obtain grants if they can be shown to be spent, in part, on American goods and services.

The Act also specifies that assistance to agrarian countries should be given in rural development, and that small loans may be given to small farmers in recipient countries.

An agency of the United States Government which is quite separate from AID is the *Peace Corps*. This body, which has some affinities with Voluntary Service Overseas in Britain, was created in 1961 to enrol young Americans, mainly at the graduate level, for service overseas 'at minimum salary rates and on conditions' as close as possible to those of the people in whose country they are to work. Peace Corps volunteers serve for two years as full employees of the recipient governments and are not merely advisory experts. Programmes are already under way in at least 13 countries, including Tanganyika, where nearly 30 geologists, surveyors and engineers were chosen to help forward the development plan. Recipient countries usually have to pay only support costs and some of the local expenditure of the volunteers.

West Germany, Switzerland, Denmark, Holland, Japan, Israel and others

These countries have shown some interest in supplying technical aid to certain British dependent territories. There are other donor countries, such as France, whose assistance is given principally to those less developed areas with which there exist close historical, political and economic links. It is not possible in this article to describe the different aid efforts made by these countries, but more information can be obtained either from the United Nations in New York, which publishes documents on International Economic Assistance, or from the Organization for Economic Co-operation and Development (OECD) in Paris, which has recently published detailed information on financial flows to less developed countries for the years 1956-59.

Other foreign aid: scholarships

Several governments have offered scholarships or training places to territories in Africa which wish to profit by them. These offers have been channelled through the U.N. Economic Commission for Africa in Addis Ababa. Both the Netherlands and Portugal made such offers in 1960. Other offers of educational help have been circulated by the U.N. Secretary-General in New York.

Foundations

A number of charitable foundations in the United States and Britain have made donations to developing countries. In the United States there are about eighty foundations which each have assets of $10 million or more. The largest, in order of resources, are Ford, Rockefeller, and Carnegie. Characteristics of the American foundation are "its fondness of the big idea; its modesty and liberalism (once an award is made it is rare for a foundation to ask any credit or exercise any surveillance); its willingness to take the world for its parish".[8]

The aim of the *Ford Foundation* (477 Madison Avenue, New York 22) is to help towards the solution of the most important problems affecting human welfare. It has an income of some $122 million and has a large Africa programme, in which the emphasis is placed on higher and technical education. The *Rockefeller Foundation* (111 West 50th Street, New York 20), whose disbursements in 1959 totalled $34 million, is mainly concerned with the promotion of 'science as an international enterprise', particularly medical and natural science and agriculture. Grants are mainly given to universities for programmes of research and education. Fellowships are also awarded. The interests of the *Carnegie Corporation of New York* (589 Fifth Avenue, New York 17), whose disbursements in 1960 totalled $10 million, cover mainly higher education, social studies, libraries and public administration. There is a Commonwealth programme, increasingly directed, in Africa, towards higher education.

The British foundations do not operate on the same scale as those in America. One of the main objects of the *Nuffield Foundation* (Nuffield Lodge, Regent's Park, London, N.W.1), whose income in 1960 was nearly £2 million, has been the advancement of health and social well-being by scientific research and teaching. In the Commonwealth, attention has been concentrated chiefly on problems of health, food and agriculture, and nutrition. Most successful applications come from universities, research organizations, or recognized institutions of learning or social development. Other British charitable organizations (with

[8] *The Times*, 4th May, 1959.

smaller resources) are the *Wolfson Foundation* (20 Copthall Avenue, London, E.C.2), for education and health; the *Leverhulme Trust Fund* (Kingscote House, 1 Water Gate, Blackfriars, London, E.C.4) for education and research; the *Dulverton Trust* (Millbank House, 2 Great Peter Street, London, S.W.1) for social, educational and youth work – mainly in East and Central Africa; and the *Gulbenkian Foundation* (*U.K. and British Commonwealth Branch*) (3 Prince Albert Road, London, N.W.1) for artistic, educational, scientific and charitable objects. Applications should include a concise statement of aims, the amount of money required, the length of time envisaged for the project, and the body or persons responsible for its direction.

Book Reviews

THE LIQUIDATION OF THE BRITISH EMPIRE, by C. E. Carrington. *George G. Harrap and Co, London*, 1961; pp. 96; 8s. 6d.

THIS little book, which consists of three lectures delivered at Acadia University, Nova Scotia, by the Professor of Commonwealth Relations at the Royal Institute of International Affairs, London, covers far more than the subject indicated in its title; it deals with the origin of modern colonial empire, the character of its unity in economic as well as constitutional and political aspects and finally with its recent gradual conversion into a Commonwealth of independent sovereign nations. Though brief and allusive, as the lecture form necessitates, it is rich in observations and thoughts.

Only a few of the more significant of the points it raises can here be touched upon but enough, it is hoped, to stimulate many to read it. From the present vantage point of the 'liquidation', Professor Carrington looks back to what historians call the 'second British Empire', acquired during the 19th century. With candour and intellectual honesty, he admits that "no historian has as yet given a satisfactory answer to the question why Britain, France, Belgium and Germany, all of which were trying to keep clear of tropical Africa in the 1860s and 1870s, divided it amongst themselves in the 1880s and 1890s". As regards the commonly alleged economic motive, he points out that the period at the beginning of the partition of Africa in the 1880s was in Britain one "of economic recession, when little European capital was available for export and what there was went mostly to Australia and the Argentine, where there were much safer investments". But politically as well as economically the extension of overseas commitments was quite contrary to the whole established tradition of British policy throughout the nineteenth century, as well as to our interests as a maritime and mercantile nation. Foreign excursions and entanglements were nothing but a disadvantage, danger and liability to a nation so dependent upon the free and peaceful flow of trade; "nothing but peace and plenty could be the interest of the nation of shopkeepers who have built trading connections all over the world, not only to their own great advantage, but to the great advantage of their customers". As Adam Smith had pointed out 100 years before, the fettering of trade whether by imperial monopoly or any other cause "was not only bad policy but also bad business".

Professor Carrington does not attempt to solve the riddle, but an answer to it has lately been given in a learned and exhaustive examination of this whole phase of British imperial policy. It is to be found in a recent book by two Cambridge dons, Messrs. Robinson and Gallagher, entitled *Africa and the Victorians*.[1] This book, which must surely be indispensable reading to anyone concerned with these matters, reveals the real reasons for British incursions into Africa. It is a fortunate coincidence that these authors confirm, with a wealth of statistical and historical evidence, Professor Carrington's conclusions as to the absence of any acquisitive motive, whether territorial or economic, and supply the long wanted explanation, that of contemporary historical and strategic pressures. A.S.B.

[1] *Africa and the Victorians*, by R. Robinson and J. Gallagher, with Alice Denny. *Macmillan*, 1961, pp. 491; 45s.

THE POLITICAL KINGDOM IN UGANDA, by David E. Apter. *Oxford University Press* and *Princeton University Press*, 1961; 60s.

THE rapid emergence of independent states in Africa has provided a unique opportunity for scholars interested in the comparative theory of political transition. Professor Apter, commencing with his *Gold Coast in Transition* in 1955. has been in the forefront of those trying to analyse systematically and to contrast patterns of social and political change in Africa. He has approached this problem by a careful study of the varying capacity of selected political systems to accommodate themselves to rapidly changing conditions and to develop new political institutions in response to them. For the locale of his most recent study, he has selected Buganda, one of the four constituent provinces of the protectorate of Uganda.

In order to understand better, and to contrast the differential capacity of the new governments to absorb change and generate innovation, Professor Apter has identified three forms of what he calls "modernizing political systems". The first, which is characteristic of Ghana, the subject of Professor Apter's earlier work, is termed 'mobilization system'. This is characterized by a predominantly hierarchical authority structure and by almost totalitarian allegiance to the State. The second modernizing political system is termed by Apter 'consociation' and most closely resembles, in its essential characteristics, the Federation of Nigeria. Although these first two systems are presented at some length, this volume is mostly concerned with the third, a 'modernizing autocracy'. As developed by Professor Apter, this is a political system that has successfully adapted itself to new conditions through the employment of the traditional culture; he examines the government and politics of Buganda as as an illustration of it.

Professor Apter suggests that these three forms of evolving national societies can be used to compare the differing manner of accommodation to change of newly independent states. Therefore, it is somewhat unfortunate that he has selected for this particular study the province of Buganda which is neither independent nor is ever likely to be an independent unit in its own right. Although the generalizations which Professor Apter draws from the application of his model of a modernizing autocracy to Buganda might be generally applicable elsewhere, it might have been better to test it in Ethiopia which, in most respects, is an example *par excellence* of the type of modernizing political system with which he is concerned. Within Uganda, he might have further tested the general utility of his model if he had applied it to one or more of the other kingdom states; for although this volume is entitled *The Political Kingdom in Uganda*, it deals almost solely with the single kingdom of Buganda. The kingdom of Bunyoro, for example, a dependent part of the protectorate of Uganda, has been thought by a number of historians to have been the parent and oldest kingdom in Uganda. A quick view of some of the characteristics of Buganda, described as a 'modernizing autocracy', do not seem to wear so well when applied to Bunyoro. Whereas the political system of Buganda is characterized as flexible and capable of absorbing change without serious threat to the autocratic system, similar changes in Bunyoro were not met by the same flexibility. As a matter of fact, the kingdom of Bunyoro is the only tribal group in Uganda that forcibly resisted the extension of British rule.

Professor Apter concludes that "the degree of autocracy which emerges after independence is in virtual proportion to the degree of antagonism the government shows to tradition". The particular nature of traditional political insti-

tutions is, however, possibly more important to the nature of the independent units that evolve than the attitude of any government. In Uganda, for example, it is possible to find regions or districts which fit Apter's description of a consociation (Bukedi) and a mobilization system (Lango and Teso). Given the application of the comparative scheme to other portions of Uganda in addition to Buganda, it might be difficult to prophesy whether an independent Uganda will evolve as a mobilization system, a consociation, or a modernizing autocracy.

Professor Apter refers to Tanganyika as a consociational State. This exists where "power is dispersed and shared between constituent units and a central agency", a "system of loyalties functions on various levels", or "there are diverse and competing social and political sub-groups". It is difficult to see how Tanganyika, at this stage of its development, differs markedly from Ghana (a mobilization system) shortly after its independence. It is apparent that Tanganyika is not a modernizing autocracy, it hardly possesses the attributes of a consociation and, to date at least, it does not seem to possess the characteristics of a mobilization State, although it might conceivably become one. The difficulty of applying these carefully thought out and presented types of political evolution to Tanganyika indicates how extraordinarily difficult it is to attempt to develop an analytical scheme that is universally applicable.

FRED G. BURKE.

THE DEVELOPMENT OF AGRICULTURE AND FORESTRY IN THE TROPICS: PATTERNS, PROBLEMS AND PROMISE, by J. F. V. Phillips. *Faber and Faber, London*, 1961; pp. 212, one map, 42s.

THIS latest book by Professor Phillips follows the same lines of thought as his earlier *Agriculture and Ecology in Africa: A Study of Actual and Potential Development South of the Sahara* (Faber and Faber, London, 1959). The field of study is extended from Africa to include Latin America and southern Asia, but the technical discussion of ecology has been cut back, and the result is a shorter and much more manageable book for the layman. The author comes from South Africa and has first hand experience of Tanganyika, Ghana and other parts of Africa. His connexion with the World Bank has acquainted him with tropical countries in other continents.

The author's persistent use of alliteration (as in the sub-title) and other elegantisms are irritating to the average reader. This unnecessary distraction is particularly unfortunate on this occasion, because Professor Phillips has succeeded in reducing a confused subject to its essentials, and in drawing a basic pattern which is quite simple. He has the great merit that he sees Africa from within and is quite innocent of the prejudices and assumptions which so frequently impair the reasoning of those who arrive from other climates. This objectivity is refreshing. Controversial practices, like shifting cultivation, grass fires and nomadism, fit easily and naturally into the pattern, and the author states candidly that he prefers to discuss crops and livestock separately because genuine mixed farming is not a reality in the tropics at the present time. The same common sense pervades his appraisals of immediate problems and future promise, and anyone who has lived for long in a hot dry climate will appreciate the value he places on irrigation water.

The local administrator, if he is wise, will be guided in technical matters by the advice tendered to him locally. But he is not debarred from studying the principles of a technical subject so that he can exercise his own judgement when making decisions. There are very few books which attempt to unify the diverse

pattern of agriculture and forestry in the tropics, and for this reason Professor Phillips commands attention. Those who feel unable to read the whole book should try to grasp its design from the very full table of contents, and should certainly not miss the seven 'practical approaches' to be found on pp. 145 to 150.

Unfortunately there are no illustrations, but the map of bioclimatic regions is valuable, and the printing of the text achieves high standards of clarity and accuracy.

J. D. JAMESON.

OTHER BOOKS RECEIVED

THE BRITISH CONSTITUTION, by Sir Ivor Jennings. *Cambridge University Press*, 1961; pp. xi + 210; 21s.

This fourth edition is a simple and reliable account of the growth and functioning of the British Constitution.

THE ECONOMY OF BRITISH CENTRAL AFRICA, by William J. Barber. *Oxford University Press*, 1961; pp. xii + 271; 35s.

An analysis of the functioning of two contrasting modes of economic organization in Southern Rhodesia, Northern Rhodesia and Nyasaland – that which takes place in the westernized money economy, and that which is concerned with indigenous peoples and is linked with a quite different type based on agriculture with the family as the unit of production.

THE WESTERN SLAVE COAST AND ITS RULERS, by C. W. Newbury. *Clarendon Press: Oxford University Press*, 1961; pp. ix + 234; 30s.

This book outlines the course of European contact with the Yoruba and Adja-speaking peoples between the Volta and Lagos rivers from the sixteenth century until the partition of the area and the consolidation of alien forms of administration in the late nineteenth and early twentieth centuries.

THE POLITICS OF THE NEW STATES, compiled by Francis Carnell. *Published for the Institute of Commonwealth Studies by Oxford University Press*, 1961; pp. 171; 12s. 6d.

A useful annotated reading list, with special reference to the Commonwealth. Chosen by topic rather than by individual countries, it gives a perspective view of the general landscape of the Afro-Asian political scene.

KENYA: THE TENSIONS OF PROGRESS, by Susan Wood. *Oxford University Press*, 1962; pp. x + 135; 8s. 6d.

Issued under the auspices of the Institute of Race Relations, this is the second edition of a book which presents a clear picture of the political scene in Kenya up to the end of April 1961.

JOURNAL OF COMMONWEALTH POLITICAL STUDIES, edited by Professor J. D. B. Miller and Professor Kenneth Robinson. *Leicester University Press*, twice yearly in May and November; approximately 80 pp.; 30s. per year or 18s. each.

This new Journal will print articles and reviews on Commonwealth relations and on the politics and government of individual Commonwealth countries. The first issue contains articles on "Westminster's Export Models", "The Post of Secretary of State for Commonwealth Relations", "Imperial Federation and India, 1868-1917", "Constitutional Autochthony in Ghana", and "South Africa's departure from the Commonwealth".

Reports

THE KENYA COASTAL STRIP: Report of the Commissioner, Cmnd 1585. *Her Majesty's Stationery Office*; 3s. 6d.

SIR JAMES ROBERTSON, lately Governor-General of the Federation of Nigeria, was appointed by His Highness, the Sultan of Zanzibar and the Secretary of State for the Colonies in September 1961 "to report to the Sultan of Zanzibar and Her Majesty's Government jointly on the changes which are considered to be advisable in the 1895 Agreement relating to the Coastal Strip of Kenya, as a result of the course of constitutional development in East Africa".

This clear and forthright report is of interest to those countries which have or are likely to have minority problems, particularly where the approach of independence gives rise to sectional fears which threaten disintegration unless carefully handled, sympathetically understood and wisely met. In the Kenya Coastal Strip there is the further complication of a Protectorate under the sovereignty of the Sultan of Zanzibar, administered by the Government of Kenya, containing the chief port for East Africa and inhabited by many races, all with different histories, rights, ambitions and fears. All of these and much else the Commissioner has carefully examined in 38 pages of discussion leading inevitably, it seems, to the recommendations which he summarizes as follows:-

"(1) The Coastal Strip should be integrated administratively with Kenya before self-government and independence take place.

(2) This integration could most conveniently be achieved by Her Majesty's Government abrogating the 1895 Agreement and by a new Agreement on similar terms being negotiated between the Sultan of Zanzibar and the Kenya Government whereby the Sultan's nominal sovereignty is maintained and Kenya's complete administrative authority over the Strip is secured.

(3) Should it prove impossible to negotiate such a new Agreement, then the Sultan of Zanzibar should be invited to renounce his sovereignty and the Strip should be annexed to Kenya. In such circumstances, I recommend that the Sultan should receive suitable compensation for the loss of his sovereignty, and I have suggested the sum of £100,000 which I recommend that Her Majesty's Government should pay.

(4) In the event of either of these solutions taking place and the Strip being incorporated administratively or completely with Kenya, it is recommended that safeguards be included in the new Kenya Constitution to preserve the rights of the Coastal people. I recommend that these should be:-

(*a*) a declaration of human rights including security of religious worship;

(*b*) safeguards for the maintenance of the Sharia law for Muslims and the retention of the *Kadhis* Courts;

(*c*) arrangements for the future appointment of Muslim administrative officers;

(*d*) a Coast Land Board;

(*e*) an Education Board.

(5) I recommend that on abrogating the Agreement Her Majesty's Government should pay to the Zanzibar Government £400,000 as repayment

of the forced loan of £200,000 made in 1895 with 100 per cent. increase to allow for the peculiar circumstances of the original loan.

(6) The Kenya Government should pay to the Zanzibar Government £250,000, being the capitalized value of the £10,000 which is being paid annually to the Zanzibar Government in lieu of the estimated customs duty collected by the Sultan prior to 1895.

(7) Similarly, the sum of £25,000 should be paid to the Zanzibar Government by Her Majesty's Government in respect of the £1,000 annuity now paid for Jubaland.

(8) I recommend that in the self-governing and independent constitution of Kenya, adequate safeguards should be included to secure the rights of the Uganda and Tanganyika Governments in the Port of Mombasa.

(9) I recommend that, if any system of regional or county administration is set up in Kenya, the Coast Province of Kenya, including the Coastal Strip, should be one of these counties.

(10) I recommend that if the East African territories decide in the years to come to enter into a federation, careful consideration should be given to the suggestion that Mombasa – and perhaps the Coastal Strip itself – be declared federal territory and be administered by the Federal Government."

The report has yet to be considered as this notice goes to press and we are not concerned with the broad constitutional issues involved; but there are some administrative aspects which are of more than local interest and worthy of study by our readers whatever decisions may be taken. These refer to land, Muslim courts and administration, and what the Commissioner usually refers to as regionalism.

The 1895 Agreement vested in the British Administration control only over public lands; but entitled them also "to regulate questions affecting land". Much land is held by the Arabs in freehold and much is occupied by squatters. There is land hunger, friction between the various claimants to land and much uncertainty of title. Although investigations into rights and registration proceed, here are reported to be all the ingredients of an explosive situation. In the circumstances, the Commissioner recommends that a Coast Land Board be set up under Order-in-Council with the general function to advise the Government and the legislature on land policy with special reference to the disposal and use of public lands, the use of uncultivated privately owned lands, the settlement of disputes between landlords and tenants, relations between landowners and their labourers, and the transfer of land owned by local coastal people to persons from outside the Strip and to foreigners. It is not quite clear what 'use' means in the above context, but the Commissioner recommends consideration of the application of the relevant parts of the Agricultural Ordinance to those owners who are not making good use of their land, to encourage them to do so.

The Commissioner recommends that the Board should have the right to make the final decision in any proposal to establish land settlement schemes in the area. The Board should consist of a chairman, eight elected members and up to four nominated members from minority groups. The Provincial Commissioner should be chairman to start with. These recommendations, which are designed to help to remove fears and friction arising from a feeling of insecurity in land, will be studied in other parts of the world where similar conditions obtain.

The Commissioner, pointing out that the Muslim religion is not only a faith but a cherished way of life, strongly recommends that the *Kadhis'* Courts be preserved and integrated in the judicial system of the territory, a recommendation in line with recent reforms elsewhere, notably in Northern Nigeria. He finds that the *Liwalis* and *Mudirs* represent a stabilizing element in the life of the Muslim community and recommends that they become members of the administrative service proper, though not subject to posting outside Muslim areas. All this is to give much needed reassurance to the Muslim minority.

In some countries just before or after independence there is a danger of the often artificial units splitting up in a dangerous way, becoming 'balkanized' and non-viable, a potential prey to chaos and trouble-makers within and without. To counter these dangers, various constitutional devices have been considered in many parts of the world, usually designed to give minority or 'natural' areas a measure of autonomy and security which will appease their fears without destroying the unity of the state in essentials. Examples quoted of the application of these devices include Italy and Switzerland in Europe. We reported the Sudan provincial plan in our July 1961 issue. There are others.

Almost inevitably, Sir James Robertson found this a matter of current controversy in Kenya and he was in some difficulty to know how much any decision on regionalism or something of the sort would affect the coastal area. While refraining from entering into the current controversies, he has some interesting observations to make on the subject in the course of the report and also in an Appendix F entitled "Note by the Commissioner on Regional Devolution", though, owing to the uncertainties, he found it impracticable to recommend such a system at the time he wrote his report. He considered, however, that the Coastal Strip might suitably form a "semi-self-governing 'region' or county in the State of Kenya". To find out what he had in mind by this phrase one turns to Appendix F and here one wishes that circumstances had allowed the report to be more explicit. There is some confusion of terminology. "Clearly a plethora of Regions or States cannot be for the ultimate good of a territory" and "I believe that there would be many advantages in setting up in the Coast Province, a provincial, regional or county council". But it seems that a sort of hybrid local government authority-decentralized central government body is envisaged, constructed on the pyramid system and deriving its powers not from the legislature but from the Kenya Constitution. It is to have the functions of a developed county council and also the supervision of land matters, i.e. "the formulation of land policy within the county".

Like Professor Mackenzie in Tanganyika ten years ago, Sir James Robertson insists that this council must have financial responsibility, but also, unlike Professor Mackenzie, that it should live on assigned revenues and grants. The provincial commissioner, whether an official or a politician, like the regional commissioner envisaged in the then Gold Coast by Sir Sidney Philipson, would be the chairman/executive, at any rate to start with. The day-to-day work would be done by committees. After considering various devices to safeguard the continuance of the kind of county council he envisages, the Commissioner laments the fact that the institution of such bodies has been left so late, but he is "led to believe that the tensions caused by tribal and racial anxieties are such as to make the effort well worth while". In his opinion the change, if it is to come, should be introduced as soon as possible, so that it may be working reasonably efficiently when independence comes. One must comment that experience elsewhere in Africa is not very encouraging. There has been a

tendency to introduce county, regional or provincial systems half-heartedly, and particularly without that degree of financial responsibility recommended by successive Commissioners.

The report deals in a refreshingly realistic way with issues which are of the greatest importance to Africa at this stage of its development. Some of the questions which inevitably occur in considering minority and racial problems are: how far is it to the general good that individual and sectional rights and liberties should be subordinated to the State in any given set of circumstances? How can the constitution be tailored to give the maximum of individual and section freedom without destroying the State? Is it too late to search for the answers to these questions?

R.S.H.

LOCAL GOVERNMENT

KENYA — *The Local Authorities (Revenue) Ordinance*, 1960 *No.* 60 *of* 1960

In the past, the Governor in Council decided how much of the revenue collected in respect of vehicles belonging to persons living or working within the area of a local authority other than a county council should be paid annually to it. The Road Authority determined the proportion for county councils (which was paid from the Road Fund instead of from general revenue).

This arrangement is now replaced by a system of grants distributed in a way which takes into account the relative wealth or poverty of the different recipients. Grants are to be made to municipalities, county councils and townships from an overall sum amounting to not less than 17½ per cent. of the vehicle licence revenue accruing to the Government during the local authority's previous financial year, and all revenue accruing from the issue of vehicle and driving licences is to be paid into the Road Fund.

NORTH BORNEO — *The Local Government Ordinance*, 1961 *No.* 11 *of* 1961

The framework provided for local government development in North Borneo by the Rural Government Ordinance of 1951 and the Municipal and Urban Authorities Ordinance of 1953, in setting up differing systems for urban and rural areas, has been found to run contrary to the tendency, outside the four main towns, towards the amalgamation of urban and rural authorities into district units. The Local Authorities (Special Provisions) Ordinance of 1959 was therefore enacted to enable a local authority, appointed under either one of the two earlier Ordinances, to exercise powers contained in the other when the Governor in Council allowed it. That Ordinance was enacted for a 2-year period to the 31st December 1961 to await further review.

The Local Government Ordinance, 1961, is based on the Municipal and Urban Authorities Ordinance, but it also contains some of the provisions of the Rural Government Ordinance, and some taken from East African legislation, such as the constitution of each local authority by its own Instrument. This is issued by the Governor in Council; it sets out the authority's constitution and membership and lists its functions. If these functions overlap the provisions of a specific Ordinance, such as Dogs, or Cattle and Grazing, these

Ordinances will be repealed in so far as they affect the area of the local authority.

Control of local authorities at the ministerial level will be in the hands of the Secretary for Local Government. The members of a local authority may be nominated or elected, but the subject of elections will be covered by a separate Ordinance.

LOCAL GOVERNMENT ADVISORY PANEL

THE Department of Technical Co-operation has set up a Local Government Advisory Panel which, with its secretariat in the Administrative Services Branch of the Department, is constituted to provide information and advice on local government administrative problems and precedents.

The constitution of the Panel is:–

R. S. Hudson, C.M.G. (*Chairman*), Head of the Administrative Services Branch, Department of Technical Co-operation.

C. A. G. Wallis, O.B.E. (*Vice-Chairman*), Local Government Adviser, Department of Technical Co-operation.

Sir Harold Banwell, Secretary, Association of Municipal Corporations.

Sir James Lythgoe, C.B.E., formerly City Treasurer, Manchester.

Professor W. J. M. Mackenzie, Professor of Government, University of Manchester.

Dr. A. H. Marshall, C.B.E., City Treasurer, Coventry.

R. S. McDougall, C.B.E., General Manager, Stevenage Development Corporation.

G. E. Fane Smith, C.M.G., Training Branch, Department of Technical Co-operation.

H. Symon, C.B., Director, Land and Property Owners' Association.

G. A. Wheatley, C.B.E., Clerk to the Hampshire County Council.

B. V. Davies, Secretary, Department of Technical Co-operation.

The terms of reference of the Panel are:–

To advise on local government questions referred to it, including training for local government and the provision of technical aid.

It will be seen that the Panel consists of people experienced in local government and local administration in Britain and also overseas. They have generously agreed to make their services available voluntarily. Most members of the Panel have already been on missions overseas to advise on some aspect of local government.

The object of forming the Panel is to bring together a cross-section of professional knowledge about local government administration and to make this knowledge readily accessible to any seeking advice and information.

There are four national Associations representing the local authorities of England and Wales – the Association of Municipal Corporations, the County Councils Association, the Urban District Councils Association and the Rural District Councils Association. They have also expressed willingness to give assistance, and requests for advice received in the Department of Technical Co-operation will in appropriate cases be forwarded to one of them.

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